

St. Johns County Community Development Block Grant — Disaster Recovery Interim Mortgage Assistance Program Policies and Procedures

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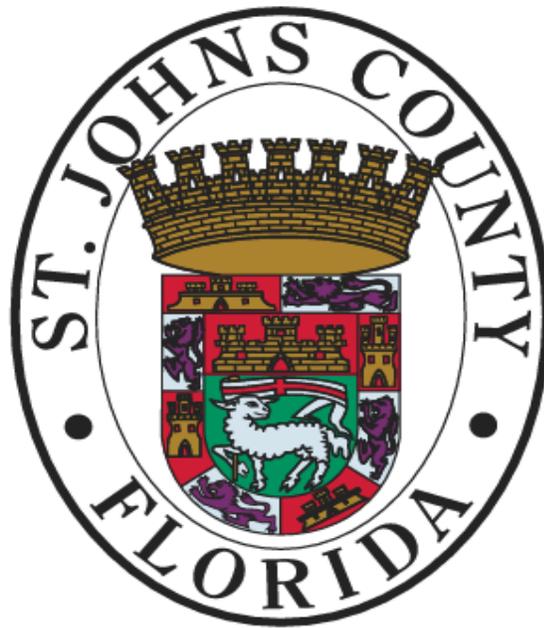


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SUMMARY

The U.S. Department of Housing and Urban Development (HUD) allocated Community Development Block Grant Disaster Recovery (CDBG-DR) funds to the State of Florida Department of Economic Opportunity (DEO). This funding is being distributed in federally-declared disaster counties impacted by Hurricane Matthew including St. Johns County for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 United States Code (U.S.C) 5301 et seq.) and described in the State of Florida CDBG-DR Action Plan. DEO has provided \$45,837,520 in CDBG-DR funding to St. Johns County to implement programs in support of the County's recovery from Hurricane Matthew. Allocations, waivers, and alternative requirements applicable to this funding are published in the Federal Register on August 7, 2017 at 82 FR 38812; January 18, 2017 at 82 FR 5591; and November 21, 2016 at 81 FR 83254.

The County entered into a subrecipient agreement with DEO to administer the following recovery programs including:

- Housing Recovery Program
 - Homeowner Repair
 - Interim Mortgage Assistance Program
 - Homeowner Reconstruction
 - Homeowner Elevation
 - Homeowner Manufactured Housing Unit (MHU) Replacement
 - Homeowner Voluntary Buyout and Acquisition
- Low to Moderate Income (LMI) Housing Development
- Infrastructure Program

This document describes policies and procedures for the Interim Mortgage Assistance Program.

Of the \$45,837,520 allocated to St. Johns, \$21,620,073 has been set aside for several services provided under the Housing Recovery Program which include homeowner repair, elevation, reconstruction, mobile home/manufactured housing replacement, voluntary buyout and acquisition, and Interim Mortgage Assistance. Budget allocations to each program will be determined based on demand. St. Johns can increase or decrease funding for this program based on program demand and in coordination with and approval by DEO and the St Johns County Board of County Commissioners.

VERSION HISTORY

St. Johns County CDBG-DR General Policies and Procedures

Version	Date	Page	Description
#1	02/08/2019	NA	N/A
#2	09/26/2019	NA	NA
#3			

VERSION POLICY

Version history is tracked in the table above, with notes regarding version changes. The date of each publication is also tracked in this table. The first version of this document is 1.0.

Substantive changes within this document that reflect a policy change will result in the issuance of a new version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and issuance of a new primary version number.

Non-substantive changes within this document that do not affect the interpretation or applicability of the policy (such as minor editing or clarification of existing policy) will be included in minor version updates denoted by a sequential number increase after the primary version number. Such changes would result in a version number such as 2.1, 2.2, etc.

POLICY CHANGE CONTROL

Policy review, and changes for the St Johns County Housing Recovery Program are considered through a change control process. When policy clarifications, additions, or deletions are needed to more precisely define the rules by which the Program will operate, Program staff will submit a Policy Change Request Form or a Request for Decision Form for internal review by the Program and Policy Review Committee (“Review Committee”). Within the Review Committee, two members will separately perform a review to verify that all relevant information and any supporting documentation are included in the request. Upon concurrence by these two members that the request raises a policy issue rather than a process issue, the Policy Change Request Form or Request for Decision Form is forwarded to the Review Committee for consideration. The requests are compiled and brought before the entire Review Committee for a final policy change determination.

The Review Committee will take a decision to approve the change, deny the change, or defer action on the request. If the change is approved, the Review Committee will communicate its decision to the Program Manager. The Program Manager disseminates the new policy in a daily communication via email to all Program staff and instructs the Compliance Specialist to reflect the change in the next revision to written policies and procedures. If the Review Committee decides to deny a change, no further action is taken.

If a change is deferred, the Review Committee will request additional supporting information as necessary and place the item on the agenda for consideration at the next meeting

The Review Committee meets bi-weekly, as needed, to consider all pending requests but may meet as frequently as necessary to consider critical policy decisions. The Review Committee will consist of the Housing Program Supervisor, CDBG-DR Grant Administrator (who will be the Vice Chair), and the CDBG-DR Project Specialist. The Review Committee will provide recommendations to the Chair (Disaster Recovery Director) for final approval. The Review Committee has authority to review and approve policy changes, render decisions on individual case appeals, and grant waivers to the existing program cap on assistance.

INTERIM MORTGAGE ASSISTANCE PROGRAM OVERVIEW

Because of damage from Hurricane Matthew, many households have been, currently are, and will be unable to inhabit their primary residences. Many of these displaced families are struggling to pay the mortgage on the still damaged home while trying to pay for unforeseen interim housing costs. This has been and continues to be a financial burden that homeowners try to bear.

Many households have been displaced and faced with paying the costs of both their primary mortgage and their temporary living residences. These homeowners have been living with an increased burden of the costs of daily life and their own recovery efforts. Many of these homeowners have already expended all of their Federal Emergency Management Agency (FEMA) resources, exhausted available mortgage forbearance, and utilized whatever rental assistance was provided by their insurance companies. The housing program wants to prevent families from going into default on their mortgage payments and help them navigate away from possibility of foreclosure. The housing program has developed this program to cover the short-term mortgage costs so that the homeowner does not lose their home as a result of the storm.

Upon approval of the applicant for participation in a St. Johns County Housing Program and execution of an assistance agreement to complete work to their home, applicants may also apply to the program to receive Interim Mortgage Assistance (IMA) payments. All applications for assistance must be accompanied by the following documentation:

1. Mortgage statement or mortgage summary statements listing the damaged address. Statements should detail the terms of the mortgage (principal interest rate, monthly payment amount, tax and insurance escrow, name, and address of mortgagor).
2. Receipts, invoices, cancelled checks, or other written proof of payments for all monthly mortgage payments made during the applicant's displacement period.
3. Current Rental or Lease Agreement for the temporary dwelling unit. Rental or lease agreements should include the details of the agreement (rental address, monthly, payments, rental terms).
4. Proof of Rental Payments for each month of displacement that IMA assistance is concurrently sought.

5. Signed Consent and Release Form.
6. Signed Duplication of Benefits (DOB) Disclosure Form.

ELIGIBILITY REQUIREMENTS

This program will serve LMI Income households Eligibility requirements for IMA include the following:

- Applicant has been determined to be eligible for assistance from the St. Johns Homeowner Repair, Elevation, and Reconstruction Program.
- Homeowner's primary residence is uninhabitable as a result of the storm and therefore the homeowner is experiencing or has experienced increased monthly housing expenses (e.g., rent).
- Applicant is deemed eligible and is approved for assistance from the St Johns County Disaster Recovery Housing Program.
- Applicant has an outstanding mortgage loan on their primary residence, which was damaged by the storm, and is not in foreclosure.
- Applicant can provide documentation that they are currently making payments for both the damaged property and temporary property.
- Applicant can demonstrate that other payments do not constitute a DOB.
- Homeowner shall be required to maintain flood insurance on the property if the property is located within a 100-year floodplain or Special Flood Hazard Area designated by FEMA, commencing within 30 days of Final Acceptance of the work.
- Homeowner agrees that he or she shall occupy the property as the principal and primary place of residence during the term of the assistance agreement.
- Homeowner will comply with all the CDBG-DR requirements to receive assistance as described in the Housing Program eligibility requirements.

RENTAL LEASE AND PAYMENT DOCUMENTATION

A rental lease agreement for each displacement period is required. A valid lease will be a notarized typed lease or a lease template with the following information:

1. Name of landlord
2. Name of tenant (tenant should be a deeded owner of the damaged property)
3. Rental property address
4. Term of lease
5. Monthly rent amount
6. Printed name and signature of landlord and tenant

Rent Proof of Payment can be in the form of:

1. Cancelled check (front and back, with endorsed back showing payment to landlord)
2. Wire/bank transactions showing rent payment made by applicant to the landlord listed on lease
3. Official financial institution document with a copy of the front of check showing the post date when funds were deducted from bank account.
4. Official ledger from a hotel, trailer company, or commercial apartment showing monthly rent payments
5. Notarized cash receipt on program approved cash receipt template. Monthly rent is recognized based on first and last day of each month (if rent is paid in cash, request the IMA Cash Receipt template from your case manager)

If staying in a hotel, Airbnb, or trailer, an official ledger/receipt showing stay period and monthly payment may be used as lease and proof of rent payment.

MORTGAGE DOCUMENTATION

Proof of mortgage payment for each displacement month the for which the applicant is seeking assistance will be required. A valid proof will be in the form of a mortgage statement, mortgage transaction history (amount due and date, and amount paid), or home equity loan statement showing the following information:

1. Name of financial institution
2. Name of mortgagor
3. Property address
4. Mortgage account number
5. Monthly payments (principle, interest & escrow)

If escrows are paid separately, escrow statement and proof of payment must be submitted along with mortgage statements. Escrow statements would be the following:

1. General Tax Statement for the months of displacement
2. School Tax Statement for the months of displacement
3. Village or Town Tax Statement for the months of displacement
4. City Tax Statement for the months of displacement
5. Property Tax Statement for the months of displacement
6. Homeowner Insurance Declaration for the months of displacement

Mortgage payments made by check or automatic deductions from a bank account must be accompanied by the statement/bill being paid. If submitting proof of mortgage payment in the form of check, ensure:

1. Cancelled checks have a copy of the front and back of check, with back of check endorsed showing payee information. Payee would be the financial institution

identified on the accompanying mortgage statement.

2. Official financial institution document with a copy of the front of check showing the post date when funds were deducted from bank account.

DUPLICATION OF BENEFITS

In accordance with the Stafford Act, applicants may receive assistance only to the extent that they have a disaster recovery need that is not otherwise met by insurance or other types of assistance. DOB is calculated for IMA is based upon third-party verification of rental and/or mortgage assistance received from insurance carriers, FEMA, and other sources.

The County will require each applicant to attest to all previously received assistance utilizing the duplication of benefits form related to the disaster and sign a subrogation agreement to account for any disaster related assistance received in the future. Third-party verification will be utilized to confirm any potentially duplicative assistance and this verification will be stored in the system of record.

Any duplicative assistance provided during the same timeframe and purpose of IMA will be deducted from the applicant's IMA award amount. Non-disclosure of duplicative payments may result in an applicant's ineligibility for assistance and/or repayment of previously provided assistance.

AWARD CALCULATION

The County will calculate the applicant's IMA amount using the monthly mortgage payment less any assistance determined to be duplicative. Homeowner will be required to prove that they incurred both the mortgage payment and temporary housing payments for any month in which they are seeking assistance utilizing the approved mortgage documentation, as previously outlined.

Reimbursement can be provided going back for a maximum of six (6) months prior to the homeowner's application date to the IMA program. Applicant is not eligible for IMA coverage for a given month if they received other temporary housing assistance for that same month from another source, (e.g., FEMA rental assistance, including Temporary Shelter Assistance, DHAP, or Insurance).

After all duplicating benefits are subtracted out the total need, the IMA remaining assistance needed is calculated by the County. The final calculation will clearly document that the award does not exceed the assistance cap. If the remaining need is in excess of the assistance cap, the final award will be reduced accordingly and noted in the applicant file.

INTERIM MORTGAGE ASSISTANCE CAPS

The assistance amount is the monthly mortgage costs (interest, principal, taxes, and escrow), to a maximum \$1,500 per month. Interim Mortgage Assistance is limited to a maximum cap of \$27,000 and may pay for no more than 18 months of monthly mortgage cost. The cap and limit on months of assistance includes any retroactive IMA assistance received.

PERFORMANCE MILESTONES

In order to receive interim mortgage assistance payments, the homeowner must act in accordance with performance milestones established by the Program. Performance milestones include responding to communications from the Program in a timely manner but taking no longer than 10 days to respond. As well as, granting access to the property as needed for inspection and rehabilitation work, and taking active steps to complete the rehabilitation work and file closeout as requested by the Program.

The Case Manager working with the applicant in the qualifying program will be assigned to handle IMA activities for the applicant. The case manager will confirm the applicant's active status in the qualifying program and adherence to ongoing milestones for performance. When an applicant fails to meet the agreed performance milestone, the applicant will be notified by letter and email. If, after 30 days, the applicant has not come into compliance with the performance milestones, a second letter and email will be sent indicating that IMA assistance will be discontinued, and payments terminated immediately. An applicant who comes into compliance will resume active status, receiving payments, with no extension of the 18-month period of assistance.

PAYMENTS

Assistance will be paid as direct reimbursement for payments made to the applicant's mortgage lender. All mortgage payments will be by reimbursement only. IMA payments can cover up to those portions of the monthly mortgage payment amount, not to exceed \$1,500 including principal, interest, taxes, and insurance which are paid directly to the lender. The reimbursement will be issued once the homeowner provides a statement showing the mortgage payment, e.g., a bank statement that confirms the withdrawal or a statement from their mortgage company confirming payment was received. IMA payments will cover those portions of the monthly mortgage cost that were paid.

Payments will cover ongoing obligations on first mortgages, including seller-financed mortgages, in place at the qualifying event. Assistance with mortgage payments on second and third mortgages, in place at the qualifying event, will be considered on a case by case basis where the owner can demonstrate that mortgage proceeds were used for home improvements. Assistance will cover past, current, and future debt service obligations. IMA Program will follow internal policies and procedures which will include but are not limiting to insuring that payments are made on time, eligibility is determined and is deemed reasonable and that all payments are verified and vetted through the anti-fraud policies that are practiced

MONITORING AND COMPLIANCE

Program Management and Programmatic staff will follow internal policies and procedures for the IMA Program which will include but are not limited to ensuring that eligibility is determined and is deemed necessary and reasonable and that all payments are verified and vetted through the anti-fraud policies that are adopted by the Program.

The program will be monitored regularly for compliance by the quality assurance/quality control team to ensure program integrity. Early monitoring will take place within the first

month of the program deployment to identify potential risk areas and prevent minor issues from becoming systemic problems throughout the program.

During the assistance and compliance period, the homeowner is required to maintain ownership and primary residency at the damaged property. If the homeowner sells the damaged property prior to meeting the requirements of the program, he or she will be responsible to repay these funds back to the Program. The recapture of the grant funds will be processed as returned grant funds and returned to DEO, who will return the funds to the County's housing program (prior to close out of the program) to be awarded to other eligible County homeowners.

If the homeowner dies during construction or during the compliance period, the heir is not responsible for the Program agreements if the grant benefits a person of low and moderate income.

GLOSSARY

100-year flood plain – The geographical area defined by FEMA as having a one percent chance of being inundated by a flooding event in any given year.

500-year flood plain – The geographical area defined by FEMA as having a 0.2 percent change of being inundated by a flooding event in any given year.

Acquisition – The utilization of CDBG funds to acquire real property. Acquisition-only is typically not considered a complete activity in the Program and must be combined with another eligible use (i.e. new construction).

Applicant – Any individual who submits an application for assistance to the St. John County Housing Assistance Program.

Area Median Income (AMI) – The median (middle point) household income for an area adjusted for household size as published and annually updated by the United States Department of Housing and Urban Development. Once household income is determined, it is compared to HUD's income limit for that household size.

Area of High Minority Concentration – A census block group that consists of 65% or more of minorities. Minorities include all racial and ethnic population groups other than “White, non-Hispanic (Anglo)”.

Area of High Poverty Concentration – A census block group that consists of 35% or more of the residents living in poverty. A household that meets the US Census Bureau's poverty threshold is considered to be at or below poverty level for the Disaster Recovery Program.

Base Flood Elevation (BFE) – Base Flood Elevation as determined by the Federal Emergency Management Agency. The relationship between the BFE and a structure's elevation determines flood insurance premiums. The Federal Register sets the minimum elevation requirements for homes that will be assisted with CDBG-DR funding and which require elevation. HUD has determined that structures designed principally for residential use and located in the 100-year floodplain that receive assistance for new construction repair of substantial damage or substantial improvement must be elevated with the lowest floor, including the basement, at least two feet above the BFE.

CDBG – Community Development Block Grant.

CDBG-DR – Community Development Block Grant-Disaster Recovery.

Common Area Under Roof – The total area under the common roof is primarily interior, conditioned spaces, and for single-story homes, equal to the footprint of the house. The term is also synonymous with the eligible area. In addition, exterior spaces such as detached porches and garages are not considered in the eligible area.

Damage Assessment – The process utilized to verify that damage at a property can reasonably be attributed to Hurricane Irma and the quantification of damages that results in the dollar value and scope of repairs necessary to repair a structure.

Demolition – Clearance and proper disposal of dilapidated buildings and improvements.

Disability – For the purposes of the Program, “disability” is consistent with federal law under The Social Security Act, as amended, 42 U.S.C. §423(d), The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §12102(1)-(3), and in accordance with HUD regulations at 24 CFR §§5.403 and 891.505.

Duplication of Benefits – The Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) prohibits any person, business concern, or other entity from receiving financial assistance from CDBG Disaster Recovery funding with respect to any part of a loss resulting from a major disaster as to which he has already received financial assistance under any other program or from insurance or any other source.

Estimated Cost of Repair (ECR) – A documented line item by line item estimate of the damages observed during an onsite visit to an applicant’s property that quantifies the materials and labor necessary to repair observed damages.

Family – A household composed of two or more related persons. The term family also includes one or more eligible persons living with another person or persons who are determined to be important to their care or wellbeing, and the surviving member or members of any family described in this definition who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death.

FEMA-Designated High Risk Area – Areas designated by FEMA as vulnerable to significant wind and/or storm surge damage and areas located in 100-year flood zones. These areas will be identified during the environmental review process for each participating jurisdiction.

Homeowner Assistance Activity – The utilization of CDBG-DR funding to rehabilitate or reconstruct disaster -damaged homes in order for the applicant to remain in the original home at the original home site. The home to be assisted must have been owner-occupied at the time of the storm.

Household – A household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two (2) or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the test of meeting the low to moderate income objective is based on the LMI of households.

Household Income – Adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes. herby known as “adjusted income”.

HUD – United States Department of Housing and Urban Development.

Increased Cost of Compliance (ICC) – Structures damaged by a flood may be required to meet certain building requirements to reduce the risk of future flood damage before the structure can be repaired or rebuilt. To help cover these costs, the National Flood Insurance Program (NFIP) includes Increased Cost of Compliance coverage for all new and renewed Standard Flood Insurance Policies. ICC is a duplication of benefits if a structure owner requests reimbursement or additional assistance for elevation, demolition, flood proofing, or relocation—one of the four options available under ICC—and has already received an ICC benefit under the NFIP.

Individual Mitigation Measures (IMM) – Activities designed to mitigate and/or reduce risk beyond the pre-disaster condition of a housing unit when the activities are above and beyond federal, state, or local construction or code requirements. In accordance with HUD's guidance, repair and rehabilitation of housing units, and the payment of flood insurance are not IMM activities. Examples of IMM activities include elevation above the base flood elevation level, or the addition of storm shutters, disaster proof windows, roof straps, etc. as long as those improvements are not required to comply with local code requirements and did not exist on the housing unit prior to the disaster damage.

Low to Moderate Income (LMI) National Objective – Activities which benefit households whose total annual gross income does not exceed 80% of AMI, adjusted for family size. Income eligibility will be determined and verified in accordance with adjusted gross income requirements using procedures as stated in the Technical Guide for Determining Income and Allowances, 3rd Edition (HUD-1780-CPD). The most current income limits, published annually by HUD, shall be used by the County to verify the income eligibility of each household applying for assistance at the time assistance is provided.

- Very low: Household's annual income is up to 30% of the area median family income, as determined by HUD, adjusted for family size.
- Low: Household's annual income is between 31% and 50% of the area median family income, as determined by HUD, adjusted for family size.
- Moderate: Household's annual income is between 51% and 80% of the area median family income, as determined by HUD, adjusted for family size.

Major Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure located outside of floodplain to its before damaged condition would equal or exceed 70 percent of the fair market value of the structure before the damage occurred.

Manufactured Housing Unit (MHU) – A structure, transportable in one or more sections which, in the traveling mode is eight body-feet or more in width, or 40 body-feet or more in length, or when erected on site, is at least 320 square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Manufactured Housing Units were formerly known as mobile homes.

Modular Housing – A home built in sections in a factory to meet state, local, or regional building codes. Once assembled, the modular unit becomes permanently fixed to one site.

Most Impacted and Distressed (MID) Areas – Areas of most impact as determined by HUD or the state using the best available data sources to calculate the amount of disaster damage.

New Construction – A replacement home that substantially exceeds the original footprint on the existing lot (if permitted) or the construction of a new home in a new location.

National Flood Insurance Program (NFIP) –When the Program refers to NFIP in the context of eligibility or duplication of benefits, the Program is referring to private and public flood insurance programs that cover structural repairs resulting from flood damages.

Not Suitable for Rehabilitation – St. John County defines “not suitable for rehabilitation” as one of the two following definitions:

1. Residential properties that have experienced repetitive losses under FEMA’s NFIP.
2. Dwellings that are considered substandard and do not meet the recovery program’s housing rehabilitation standards and/or federal, state, local code requirements shall not be deemed suitable for rehabilitation, as determined by the program and consistent with program guidelines. The determination may be established based on the calculation that the cost of rehabilitation is close to or exceeds the cost to reconstruct.

Pre-disaster Fair Market Value – The land and dwelling value for parcels, as determined by the housing program, prior to the disaster.

Property Casualty Insurance – Insurance that covers structural repairs to a home as a result of wind, fire, hail, wind-driven rain, tornado, hurricane, or natural disaster, other than flood.

Program Design – The selection and development of programs and activities. The Program Design must include the type of housing activities that will be offered by the County, as well as how the Program will be marketed, how Fair Housing Objectives will be achieved, and how funding will be prioritized.

Reconstruction – Demolition and re-building of a stick-built or modular housing unit on the same lot in substantially the same footprint and manner. Activity also includes replacing an existing substandard MHU with a new MHU or a stick-stick-built home that will meet only the current needs of the family or individual. The number of units on the lot may not increase and the total square footage of the original, principal residence structure to be reconstructed may not be substantially exceeded; however, the number of rooms in a unit may be increased or decreased.

Rehabilitation – Repair or restoration of housing units in the disaster-impacted areas to

applicable construction codes and standards.

Replacement – Demolition, removal and replacement of a damaged MHU with a new MHU or a stick-built home in substantially the same footprint.

Second Home – Properties that served as second homes at the time of the disaster, or following the disaster, are not eligible for rehabilitation assistance or housing incentives. A second home is defined as a home that is not the primary residence of the owner, a tenant, or any occupant at the time of the storm or at the time of application for assistance. HUD has established an alternative requirement for second homes that may allow assistance in limited circumstances coordinated with HUD.

Slum and Blight National Objective – Activities which help to eliminate slums and blighted conditions. Use of this National Objective is limited due to its inability to contribute towards the overall requirement for 70% of funding to benefit low to moderate- income beneficiaries. It must be justified in the application for funding and the restrictions of its use will be expressly detailed in the contract between the DR grantee and the County. Slum and Blight activities must meet the criteria of one of the three following categories:

- Prevent or eliminate slums and blight on an area basis;
- Prevent or eliminate slum and blight on a spot basis; or
- Be in an urban renewal area.

Substantial Damage – Damage of any origin sustained by a structure located within the floodplain whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the fair market value of the structure before the damage occurred.

Substantial Improvement – As defined in 24 CFR 55.2(b)(10) and as applicable to the Housing Recovery Program, substantial improvement means any repair, reconstruction, modernization, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement determinations are made by local code enforcement, permitting, building and / or floodplain officials. The program will abide by these determinations.

Urgent Need National Objective – An urgent need that exists because existing conditions pose serious and immediate threat to health/welfare of community, the existing conditions are recent or recently became urgent (typically within 18 months), and the County cannot finance the activities on its own because other funding sources are not available.