

Mississippi Development Authority

Homeowner Assistance Program

Modification (Technical) Number 16

Appeals Process (Clarification)

CDBG Disaster Recovery Program

April 20, 2010

The Mississippi Development Authority (MDA) submits this Homeowner Assistance Program Partial Action Plan Technical Modification Amendment 16 to the Final Plan approved by HUD on April 1, 2006. The MDA has determined that this does not represent a major modification to the plan requiring formal submission to HUD. The nature, purpose, scope and beneficiaries of the Partial Action Plan remain the same subsequent to the modification. Additionally, this technical modification will not negatively impact potential beneficiaries who have applied for assistance under this program.

Background: The Initial Partial Action Plan for the Homeowners Assistance Program included an appeals process for grant applicants. This appeals process was carried forward and utilized in the following programs HAP I, HAP II, HAP III, and the Elevation Grant Program. The Action Plan included in the Appeals Process references to the Mississippi Development Authority Appeals Board (the "Appeals Board"). The Appeals Board made up of volunteers from other state agencies and has proved to be a slow and cumbersome process due to time constraints placed on these volunteer employees. Therefore, MDA has determined the Appeals process would be better served by designating an Independent Hearing Officers (s) "IHO" or "IHO's" to hear the remaining HAP and Elevation Grant Appeals.

Existing Appeals Policy from Initial Action Plan:

Appeal Policy

Any homeowner may appeal the decision (including, but not limited to, eligibility, damage assessment, amount of assistance and offsets) made by MDA with respect to the Homeowner Assistance Program if the amount in dispute is at least \$10,000. If the amount in dispute is less than \$10,000, the decision of MDA shall be final.

For instance, if the grant amount is \$25,000 and the homeowner believes it should have been \$40,000, a disputed difference of \$15,000, the homeowner has met the \$10,000 dispute threshold and can appeal. Differently, if the grant amount is \$25,000 and the homeowner believes it should have been \$30,000 – the difference of \$5,000, being less than the \$10,000 dispute threshold, is not eligible for appeal.

Appeals from a decision by MDA must be submitted in writing to MDA within 30 days of the homeowner's receipt of MDA's decision. The appeal must explain the specific disagreements with MDA's decision(s), and should include all documentation to support the homeowner's position. There is no specified format for an appeal; however, an appeal must include the homeowner's name and current mailing address, the homeowner's social security number, the street address of the damaged residence and the application number assigned to the homeowner's application.

MDA will promptly forward the appeal to the Mississippi Development Authority Appeals Board (the "Appeals Board"), together with a complete copy of the homeowner's application file and a written explanation of MDA's position. The Appeals Board may request additional information from the homeowner or MDA in such form as the Appeals Board shall determine. In its decision, the Appeals Board may affirm, modify or overturn MDA's decision and may remand any issue to MDA for additional findings or determinations. The decision of the Appeals Board shall be in writing and sent by regular mail to the current address of the homeowner. The

decision of the Appeals Board shall be final. The homeowner shall have no right to a judicial review of a decision of the Appeals Board. The applicant must agree to this procedure as part of the application process.

Prior Amendments to Appeals Policy from Technical Modification Amendment No.2

The first modification is to reduce the amount in dispute to \$500 for homeowners to appeal the decision made by MDA with respect to the Homeowner Assistance Program. In addition, MDA is extending the date of submission to 60 days from the date of the homeowner's receipt of MDA's decision. This adjustment does not modify any of the core elements of the Phase 1 Partial Action Plan – including the Program Purpose, Background, Eligibility Requirements and Performance Requirements. Further, it does not change the total amount requested for the program of \$3 billion.

New Amendment:

All references in the Final Plan approved by HUD on April 1, 2006, to the Mississippi Development Authority Appeals Board (the "Appeals Board") are amended to read Independent Hearing Officer (s) "IHO" or "IHO's. All other provisions remain the same.