



# ReBUILD NC

V2, February 12, 2020

## Appeals Policy

State of North Carolina

For CDBG-DR Funds  
(Public Law 114-254, January 18, 2017 and Public Law 115-31, August 7, 2017)





*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

This page intentionally left blank.





*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

This page intentionally left blank.



*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

## Table of Contents

<b>1.0 Application and Definitions .....</b>	<b>1</b>
<b>2.0 Appeals .....</b>	<b>1</b>
<b>2.1 Overview of the Appeal Policy and Process .....</b>	<b>1</b>
<b>2.2 Applicant Requests for an Extension .....</b>	<b>3</b>
<b>2.3 Voluntary Withdrawal of the Appeal.....</b>	<b>3</b>
<b>2.4 The Level I Appeals Committee .....</b>	<b>3</b>
<b>2.5 Level II Appeals Committee.....</b>	<b>4</b>



*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

This page intentionally left blank.



*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

## 1.0 Application and Definitions

The following appeals policy applies to all ReBuild NC programs (collectively “the ReBuild NC Program”) and all activities carried out by the North Carolina Office of Recovery and Resiliency (NCORR), its subrecipients and/or agents. This policy applies to any appeal of a ReBuild NC programmatic decision concerning Applicant eligibility and award/benefit determinations. While this policy applies to all ReBuild NC programs, each individual program may have additional guidelines as outlined in each program’s corresponding manual and/or standard operating procedures. This policy is effective from the date adopted.

An **appeal** is defined as “a written request by an Applicant asking for a reversal or revision of a determination that affects their eligibility and/or assistance they may receive from a ReBuild NC program.” This policy refers to **Applicants** to a ReBuild NC program and includes those persons actively participating in any ReBuild NC program.

## 2.0 Appeals

### 2.1 Overview of the Appeal Policy and Process

Applicants may file a written appeal related to any determination made by a ReBuild NC program that affects the Applicant’s eligibility or assistance they may receive. However, NCORR does not have the authority to grant an appeal of statutory or HUD-specified Community Development Block Grant-Disaster Recovery (CDBG-DR) or CDBG-Mitigation (MIT) Program requirements; therefore, any appeal request that involves these mandatory requirements will be denied.

The appeals process is a tiered, progressive system of review whereby Applicants will be able to appeal a decision rendered by the approving level and pursue further review from the next level. Once ready for review, appeals will be reviewed in the order received. The **Level I** Appeals Committee (see section 2.4 below) reviews a Level I appeal. If an Applicant is not satisfied with the decision, the Applicant may file a **Level II** appeal to the Level II Appeals Committee (see Section 2.5 below).

**Applicants Advised of Appeal Procedures.** A copy of the appeal procedures will be provided to Applicants when they apply to a ReBuild NC program. Upon receipt, Applicants will be required to certify that they received the appeal procedures that describe the process for filing an appeal. Applicants will be provided the appeals procedures again when a determination of eligibility and/or assistance is made.

**Appeal Requests.** All requests for appeals must be submitted to the ReBuild NC Program in writing according to the process described in the appeal procedures.



*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

**Acknowledging Appeal Requests.** The ReBuild NC Program will acknowledge the Applicant's request for appeal in writing within **fifteen (15) working days** of receipt.

**Timeframes for Appealing a Program Determination.** Applicants may appeal a program decision within **thirty (30) calendar days** from the date of the written notification of the determination. However, there is a different timeframe for appeals involving relocation eligibility or benefits. In accordance with federal regulations,<sup>1</sup> Applicants appealing a decision regarding eligibility for or the amount of, relocation benefits have **sixty (60) calendar days** to submit a written appeal request from the date of the receipt of the written notification of the determination. Appeals regarding relocation must be made in writing but may be made in any format.<sup>2</sup>

**Appeal Readiness for Appeals Committee Review.** In order for an appeal to be considered by either a Level I or II Appeals Committee, all applicable, necessary documentation must be available for the Committee's review. If additional documentation is needed, the ReBuild NC Program will contact the Applicant. The necessary documentation must be submitted to the ReBuild NC Program to allow time for a complete review.

**Timeframe for Appeal Determinations.** The Appeals Committee will make a determination on the appeal within **thirty (30) calendar days** of an appeal's readiness for review. The Appeals Committee's determination will be documented and sent to the Applicant in writing. If additional time is required to make an appeal determination, the Applicant will be notified of the updated timeframe in writing.

**Applicant Response to the Appeal Determination.** The Applicant will be asked to review the appeal determination and provide one of the following responses in writing within **thirty (30) calendar days** of the date of the appeal determination letter: an acceptance of the decision, an appeal of the decision, a request for more information/a consultation, or withdrawal from the program. If the Applicant does not respond to the determination letter within **thirty (30) calendar days**, the Appeals Committee's determination will be considered final. The appeal determination letter sent to the Applicant will also contain the process for pursuing the next level in the appeal process if the Applicant chooses to pursue a Level II appeal.

**Tracking Appeals.** The ReBuild NC Program will track appeals in the NCORR system of record. Program staff will monitor appeal decisions, the impact of appeal determinations on program policies, and appeal process timeframes to ensure that the ReBuild NC Program adheres to scheduled timeframes.

---

<sup>1</sup> 49 CFR 24.10 (c) states, "**Time limit for initiating appeal.** The [Agency](#) may set a reasonable time limit for a [person](#) to file an appeal. The time limit shall not be less than 60 [days](#) after the [person](#) receives written notification of the [Agency's](#) determination on the [person's](#) claim."

<sup>2</sup> 49 CFR 24.10 (b) states, "The [Agency](#) shall consider a written appeal regardless of form."





*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

**System of Record Documentation.** The ReBuild NC Program will upload all documentation, supporting materials and correspondence regarding the appeal(s) and determination(s) into the Applicant's file in NCORR's system of record.

**Consistency and Monitoring.** The ReBuild NC Program is responsible for monitoring response timeframes and for the content of the responses in order to ensure consistency across ReBuild NC programs, and compliance with the action plan(s) and federal regulatory requirements.

## 2.2 Applicant Requests for an Extension

Applicants may request an extension of the **thirty (30) calendar day** time period by submitting a written request for an extension within **thirty (30) calendar days** of the date of the determination letter. The extension requested may not exceed **thirty (30) calendar days**.

Appeal requests concerning relocation eligibility or benefits, may also request an extension **of thirty (30) calendar days** by submitting a written request for an extension within **sixty (60) calendar days** of the receipt of the determination letter. The extension requested may not exceed **thirty (30) calendar days**.

All requests for an extension must be in writing and include the reason for the extension. The following limitations for appeal extensions apply:

- For appeals regarding relocation eligibility or benefits, no more than two extensions, for a total of **one hundred twenty (120) calendar days** (which includes the initial 60 days to file an appeal from the receipt of a determination and 30 days per approved extension request) will be approved by the ReBuild NC Program.
- For all other appeal requests, the ReBuild NC Program will approve no more than two extensions, for a total of **ninety (90) calendar days** (which includes the initial 30 days to file an appeal and 30 days per approved extension request).

## 2.3 Voluntary Withdrawal of the Appeal

Applicants may decide to voluntarily withdraw their appeal request at any time prior to when a final appeal determination is made. The Applicant will be required to submit their request for withdrawal in writing.

## 2.4 The Level I Appeals Committee

The Level I Appeals Committee (Committee) will consider initial appeals. The ReBuild NC Program will determine the composition and voting members of the Committee. In all cases, the composition will include an NCORR employee. Program subject matter experts will serve either as regular committee members or as advisors if needed.



*ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency.*

---

A ReBuild NC Program representative will provide the Committee with all relevant appeal documentation for consideration prior to any meeting to consider the appeal. The Committee will meet as often as needed, but not less than once each month (unless there are no appeals pending) to make determinations within the timeframes as noted in section 2.1 above. Participation by Level I Committee members or advisors may be in person, or by teleconferencing, video conferencing or similar technology.

Once a determination has been made, the ReBuild NC Program representative will document the Committee's decision, enter information into the system of record and provide a written appeal determination to the Applicant as in section 2.1 above. Program staff will then take further appropriate action to implement the decision, if needed.

Appeal determinations shall be consistent with the policies and procedures contained within the relevant US Department of Housing and Urban Development (HUD)-approved ReBuild NC action plans, federal regulations, and ReBuild NC Program policy manuals.

## **2.5 Level II Appeals Committee**

If an Applicant is not satisfied with the Level I appeal determination made by the Committee, the Applicant may request a Level II appeal. The Level II Appeals Committee (Level II Committee) will review level II appeals. The composition of the Level II Committee may vary according to need and circumstances; however, at a minimum it shall always include the Housing Director and the Housing Manager (or their designees). The Level II Committee will review the previous determination made by the Level I Committee, all relevant documentation, and the appeal request to render a determination. The timeframes for a Level II appeal determination and associated documentation are outlined in section 2.1 above. All Level II appeal determinations from the ReBuild NC Program are considered final.