

**Memorandum of Understanding
Between the
U.S. Small Business Administration
and the
City of Minot, North Dakota**

I. PURPOSE

The purpose of this Memorandum of Understanding (“MOU” or “Agreement”) is to establish procedures by which the U.S. Small Business Administration (“SBA”) may exchange data, subject to the Privacy Act, with the City of Minot, North Dakota represented by John R. Zakian, Disaster Recovery Grant Program Manager. The exchange of this information is important to avoid a duplication of benefits for individuals and businesses receiving assistance under federal disaster # FEMA 1981-DR and SBA # 12653 and # 12654.

II. BACKGROUND

On May 11, 2011, a Presidential Major Disaster Declaration was declared, as requested by the Governor of North Dakota in response to river flooding. As a result of this declaration SBA was able to make direct loans available through its disaster loan program to disaster survivors for uncompensated home and business losses.

The Minot Disaster Recovery Program Office manages the three Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Grants received directly by the City of Minot, North Dakota. These grants provided funds for activities for rehabilitation of single and multi-family homes, and voluntary and involuntary acquisition of homes and businesses impacted by the 2011 flood.

The purpose of the program for rehabilitation was to provide forgivable loans to homeowners, renters, and non-profits for the rehabilitation from flood damage. The purpose of the program for voluntary acquisition is to acquire properties damaged by the flood and not repaired, and for the involuntary acquisition of properties necessary for future flood control and flood mitigation projects.

The eligibility requirements for the Single Family Housing Rehabilitation Program included proof of primary residence of the applicant, applicant must meet LMI income guidelines, damage must be result of flood and must be at least \$10,000. The eligibility requirements for Multi-Family Rehabilitation Program included proof tenants meet LMI income guidelines and proof of damage resulting from flood.

The Voluntary Acquisition program eligibility requirements include proof of damage from the flood and no repair has occurred, and property owner is willing to sell.

The Involuntary Acquisition program is being employed by the city to acquire properties both homeowner and business/commercial in areas with defined boundaries for which it has been determined these properties are necessary to carry out flood control or flood mitigation projects.

Source of funding for all programs is primarily CDBG-DR with some state sourced match funds which are subject to the HUD CDBG-DR rules.

As outlined in this agreement, SBA is providing loan information to the city of Minot, North Dakota on applicants/borrowers that applied for SBA disaster loan assistance under disasters FEMA 1981-DR and SBA disaster numbers 12653 and 12654 for the purpose of avoiding duplication of benefits (DOB).

III. AUTHORITY

The legal authority for sharing this information is § 312(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5155), which authorizes agencies to ensure that assistance provided by each is not duplicated by another source.

SBA provides its disaster assistance loan programs under the authority of section 7(b) of the Small Business Act (15 U.S.C. § 636 (b)).

IV. ROLES AND RESPONSIBILITIES

A. SBA will:

1. Provide the information listed in Appendix A regarding homeowner and business disaster loan applicants from the federal disaster declaration FEMA 1981-DR and SBA disaster numbers 12653 and 12654. The data for the disaster requested is for the city of Minot which is zip codes 58701, 58702, 58703, 58704, 58705, and 68707. All data identified in Attachment B is requested and one-time cumulative distribution is sufficient.
2. As applicable and upon request, provide individual business borrower data for the data fields listed in Attachment A for the requested SBA borrowers under federal disasters FEMA 1981-DR and SBA disaster numbers 12653 and 12654. By submitting such a request, the city of Minot will be confirming that the requested borrowers have also applied for program funds and have agreed to allow SBA to share their SBA home and business disaster loan application information with the city of Minot.
3. Provide a point of contact person to facilitate communication between SBA and the city of Minot.

B. The city of Minot will:

1. Provide SBA with a listing of grant/loan recipients, including the amount of award, the disaster damaged address, what the funds are for and other unique identifier, if available (SBA Application Number, FEMA Registration Number, etc.) For the housing rehabilitation programs, it will be a one-time cumulative report (these programs are closed), and for the acquisition programs it will be quarterly.
2. Provide a point of contact person to facilitate communication between [state, territory, tribe, or local government jurisdiction, or voluntary agency] and SBA.

V. POINTS OF CONTACT

SBA

Alejandro Contreras
Director
Preparedness, Communication and Coordination
409 3rd Street SW
Washington, DC 20416
(202) 205-6734
alejandro.contreras@sba.gov

City of Minot

John R. Zakian
Disaster Recovery Grant Program Manager
515 2nd Ave SW
Minot, North Dakota 58701
(701) 420-4528
John.zakian@minotnd.org

VI. TERM, TERMINATION AND AMENDMENT

This Agreement will take effect when signed by both parties and continue for 18 months unless sooner terminated. This Agreement may only be amended upon written mutual consent of both parties. Either party may terminate its participation with 30 calendar days written notice to the other party.

VII. PROTECTION OF DATA

Any data obtained from the other party may only be used for the purpose of verifying whether a duplication of benefits has occurred. All personal and confidential information provided by SBA pursuant to this Agreement belongs to, and will remain the property of SBA. Both parties agree to strictly control the use and retention of any personal and confidential information provided by the other party so that only those personnel who have a need to know have access to such material. No further dissemination or use of material provided by SBA is authorized without written permission of SBA. City of Minot will refer those who request personal and confidential information provided by SBA to the SBA point of contact named in this Agreement. Each party's responsibility to protect personal and confidential data from unauthorized disclosures will survive the term of this Agreement.

Both parties agree that information will be transmitted in a secure manner to protect sensitive and personally identifiable information (PII). Both parties agree that there will not be computer matching.

VIII. GENERAL TERMS

- A. Nothing in this Agreement is intended to conflict with current law(s), regulation(s), or the directives of SBA. If a provision in this Agreement is found to be inconsistent with such authority, then that provision shall be reviewed and modified or annulled as agreed to by SBA and city of Minot in writing, but the remaining provisions of this Agreement shall remain in force and effect unless otherwise noted.
- B. SBA and city of Minot further recognize that the shared information is subject to the rights of audit and inspection of various federal and state agencies and the disclosure of such information may be required by law.
- C. All records and data will be subject to existing federal and state record retention requirements.

IX. SIGNATURE

The signatories below represent that they have the authority to make such commitments on behalf of their respective organizations.

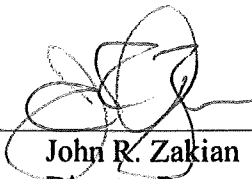
U.S. Small Business Administration

City of Minot

James E. Rivera 4/2/19

James E. Rivera
Associate Administrator
for Disaster Assistance

Date



John R. Zakian
Disaster Recovery
Grants Program Manager

9/8/19

Date

APPENDIX A

Data Fields

NOTE: Due to Privacy Act protections of disaster loan data, SBA may only share information that is relevant to the state, tribal nation or local government's decision to issue a grant, loan, or other benefit under its program. The list below includes commonly requested data fields. Please contact SBA if the data field you require is not listed here.

#	Data Field	#	Data Field
1	SBA Application Number	46	Approved Amt. Elevation
2	Loan Product	47	Approved Amt. Mitigation
3	Application Effective Dt	48	Approved Amt. Refinance
4	Current App. Sub Status	49	Approved Amt. Vehicles
5	FEMA Disaster #	50	Approved Amt. Furniture and Fixtures
6	SBA State Disaster #	51	Approved Amt. Machine and Equip.
7	SBA Federal Declaration #	52	Approved Amt. Inventory
8	Summary Decline IND	53	Approved Amount EIDL
9	Pre-Processing Decline IND	54	Current Amt. Reconstruction
10	Loan Decision	55	Current Amt. Relocation
11	Loan Decision Date	56	Current Amt. Repairs
12	SBA Original Loan Amt.	57	Current Amt. Leaseholder Improvements
13	SBA Current Loan Amt.	58	Current Amt. Landscape
14	Loan Cancelled Ind.	59	Current Amt. Debris Removal
15	SBA Loan #	60	Current Amt. Other Land Improvements
16	FEMA Registration ID	61	Current Amt. Elevation
17	Applicant Last Name	62	CURRENT_AMT_MITIGATION
18	Applicant First Name	63	CURRENT_AMT_REFINANCE
19	Applicant Middle Initial	64	CURRENT_AMT_VEHICLES
20	PHONE_NBR	65	Current Amt. Furniture and Fixtures
21	Mailing Address	66	Current Amt. Machine and Equip.
22	Mailing City	67	Current Amt. Inventory
23	Mailing County	68	Current Amount EIDL
24	Mailing State	69	DP Address
25	Mailing Zip	70	DP City
26	Verified RE Reconstruction	71	DP County
27	Verified RE Relocation	72	DP State
28	Verified RE Repairs	73	DP Zip
29	Verified Leaseholder Improve	74	Last Disbursement Date
30	Verified Landscape	75	Disbursement Physical Amt.
31	Verified Debris Removal	76	Disbursement EIDL Amt.
32	Verified Other Land Improvements	77	Disbursement Total Amt.
33	Verified Elevation	78	Federal ID
34	VERIFIED_LOSS_MITIGATION	79	Bus. Trade Name

35	VERIFIED_LOSS_AUTO	80	# of Employees
36	Verified Loss Furniture and Fixtures	81	NAICS Code
37	Verified loss Machine and Equip.	82	Decline/Withdrawn Code
38	Verified Loss Inventory	83	CANCEL_CODES
39	Approved Amt. RE Reconstruction	84	CANCEL_DATE
40	Approved Amt. RE Relocation	85	Payment Amt.
41	Approved Amt. RE Repairs	86	Term
42	Approved Amt. Leaseholder Improvements	87	Interest Rate
43	Approved Amt. Landscape	88	ACC_ISSUED_NOTE_DATE_ODA
44	Approved Amt. Debris Removal	89	ACC_DATE_CLOSING_DOCS_RCVD_ODA
45	Approved Amt. Other Land Improvements	90	EMAIL_ADDRESS