

## 2020, 2021, 2022, and 2023 CDBG-DR Grants

### Optional Action Plan Template for Program Administrative Costs

**Purpose:** The purpose of this document is to provide an optional template for Community Development Block Grant Disaster Recovery (CDBG-DR) grantees funded under the Disaster Relief Supplemental Appropriations Act, 2022 (Public Law 117-43), the Continuing Appropriations Act, 2023 (Public Law 117-180, and the Department of Housing and Urban Development Appropriations Act, 2023 (Public Law 117-328) (collectively, the “Appropriations Acts”) to submit an Action Plan for Program Administrative Costs (PACs).

Grantee Name:	
State:	
Date Plan Submitted:	
Total Grant Amount:	
Amount of Administrative Funds Budgeted:	
Grantee Contact (Name):	
Grantee Contact (Email/Phone):	
HUD Contact (Name):	
HUD Contact (Email/Phone):	

#### I. Background:

Public Law 117-43, Public Law 117-180, and Public Law 117-328 allows CDBG-DR grantees receiving an award under these Appropriations Acts to access funding for program administrative costs prior to the Secretary’s certification of financial controls and procurement processes, and adequate procedures for proper grant management. The Department’s *Federal Register* notices governing these grants requires grantees to use the Public Action Plan in HUD’s Disaster Recovery Grant Reporting (DRGR) system to submit their action plans for the full amount of the grant, but in order to expedite access to administrative funds, grantees will follow a different process for the action plan for program administrative costs.

If a grantee chooses to access funds for program administrative costs prior to the Secretary’s certification, it must first prepare an action plan outside of DRGR, describing its use of funds for program administrative costs. Although not required, grantees may choose to use this template to submit the action plan for program administrative costs to HUD. While there is no due date for submittal of the plan, it must occur before the grantee submits its Public Action Plan for the full CDBG-DR grant in DRGR.

NOTE: Per the *Federal Register* notices, in considering the amount of administrative funds to request through this process the grantee should calculate its need to cover program administrative costs over the life of the grant and consider how much of its available administrative funds may be reasonably budgeted at this very early stage of its grant lifecycle.

## II. Public Notices and Comment Period:

Grantees must publish the proposed action plan for program administrative costs, and substantial amendments to the plan, for public comment. To permit a more streamlined process, HUD waived the provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, 24 CFR 91.105(b) through (d), and 24 CFR 91.115(b) through (d), with respect to citizen participation requirements. Instead, the manner of publication of the action plan for program administrative costs must include prominent posting on the grantee's official disaster recovery website and must afford residents, affected local governments, and other interested parties a reasonable opportunity to review the contents of the plan or substantial amendment (no less than seven days). Grantees must offer multiple methods (including electronic submission) for receiving comments on the action plan or substantial amendment.

Grantees must consider and respond to all oral and written comments. Any updates or changes made to the action plan or substantial amendment in response to public comments received should be clearly identified in the action plan. A summary of comments and the grantees' response to each, must be included with the action plan or substantial amendment. Grantees' responses shall address the substance of the comment rather than merely acknowledge that the comment was received.

Proof of posting for seven days attached	<input type="checkbox"/>
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Public Comments Received (Insert additional rows, as needed)	Grantee Responses

## III. Proposed Allocation of Funds:

List all proposed uses of funds for program administrative costs that may be incurred prior to submitting a Public Action Plan in DRGR, and include the amount budgeted for program administrative costs.

Program Administration Activity	Budget/Allocation
Total (Amount up to 5% of grant total)	\$

## IV. Criteria for Eligibility:

Grantees may include activities listed at Section 105(a)(12) and (13) of the HCDA, as well as activities spelled out in 24 CFR 570.205 and 570.206.

## V. Certifications & Standard Form 424 (SF-424):

Each grantee choosing to submit an action plan for administrative costs must make the following certifications listed in section III.F.7. of the Consolidated Notice and include them with the submission of this plan. *NOTE: Grantees must make all certifications included in section III.F.7. of the Consolidated Notice and submit them to HUD when it submits its Public Action Plan in DRGR, which means some certification statements will be submitted twice.*

- b. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- c. The grantee certifies that the action plan for disaster recovery is authorized under state and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this notice.
- d. The grantee certifies that activities to be undertaken with CDBG-DR funds are consistent with its action plan.
- g. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each local government receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements).
- i. The grantee certifies that it is complying with each of the following criteria:
  - (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas for which the President declared a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).
  - (2) With respect to activities expected to be assisted with CDBG-DR funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
  - (3) The aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver published in an applicable *Federal Register* notice) of the grant amount is expended for activities that benefit such persons.
  - (4) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG-DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) disaster recovery grant

funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

j. State and local government grantees certify that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations, and that it will affirmatively further fair housing. An Indian tribe grantee certifies that the grant will be conducted and administered in conformity with the Indian Civil Rights Act.

k. The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, state grantees must certify that they will require local governments that receive their grant funds to certify that they have adopted and are enforcing:

(1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

(2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

l. The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements of this notice.

p. The grantee certifies that it will comply with environmental requirements at 24 CFR part 58.

q. The grantee certifies that it will comply with the provisions of Title I of the HCDA and with other applicable laws.

*Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001, and 31 U.S.C. 3729.*

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Signature of Certifying Official

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(Printed Name of Certifying Official)

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(Date)