

Community Development Block Grant Disaster Recovery (CDBG-DR)  
**Continuing Appropriations Act, 2023 (Pub. L. 117–180) and Department of Housing and Urban  
 Development Appropriations Act, 2023 (Pub. L. 117-328)**  
**Public Action Plan HUD Review Checklist**

**Instructions:**

The purpose of this document is to provide guidance for Community Development Block Grant Disaster Recovery (CDBG-DR) grantees funded under the Continuing Appropriations Act, 2023 (Pub. L. 117-180) and/or the Department of Housing and Urban Development Appropriations Act, 2023 (Pub. L. 117-328) who will be submitting a Public Action Plan in Disaster Recovery & Grant Reporting System (DRGR). **This document is to be used as guidance only and is a replica of the checklist that HUD reviewers must fill out and submit in DRGR.**

**Section:**

Initial Public Action Plan - A. General Action Plan Requirements

**Narrative:**

Does the Action Plan include the criteria for eligibility and how the use of funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the MID areas? Specifically:

	Questions	Notice Reference	HUD Reviewer Response (Yes, No, or N/A (if allowable))
1.	MOST IMPACTED AND DISTRESSED (MID) AREAS – Does the Action Plan currently show that at least 80 percent of the funds will be used in the HUD-identified	II.A.3.	

	<p>MID areas, and no more than 20 percent will be spent in the grantee-identified MID areas? Or, if required by the Notice, does the Action Plan currently show that 100 percent of the funds will be used in the HUD-identified MID area?</p> <p>NOTE: Both the HUD-identified MID areas and the minimum amount of funds that must be expended in the HUD-identified MID areas are identified in Table 2 of the Notice. HUD Reviewers should be able to find this information in Section 4a of the Public Action Plan (Grantee Proposed Use of Funds-Program Budget).</p>		
2.	<p><b>CERTIFICATION OF FINANCIAL CONTROLS AND PROCUREMENT PROCESSES, AND ADEQUATE PROCEDURES FOR PROPER GRANT MANAGEMENT</b> – Has the grantee met the Financial Management and Grant Compliance Certification Requirements and submitted the Certification Checklist and supporting documents?</p>	III.A.1.	
3.	<p><b>IMPLEMENTATION PLAN</b> – Has the grantee demonstrated that it has sufficient capacity to manage the CDBG-DR funds and the associated risks, through its implementation plan submissions?</p> <p>NOTE: Grantees must evidence their management capacity through their implementation plan submissions. These submissions must meet the criteria in section III.A.2. of the Consolidated Notice and the questions on those criteria in the CDBG-DR Implementation Plan HUD Review Checklist for 2021 and 2022 Grantees, which can be found <a href="#">here</a>.</p>	III.A.2.	
4.	<p><b>ACTION PLAN</b> – Does the grantee’s action plan identify the use of all funds – including criteria for eligibility and how the uses address long-term recovery needs, restoration of infrastructure and housing, economic revitalization, and the incorporation of mitigation measures in the MID areas?</p>	III.C.1.	
5.	<p><b>ACTION PLAN</b> – Does the grantee describe the steps it followed to make the Action Plan accessible, including the steps it will follow to make any substantial amendments, performance reports, and other relevant program materials, available in a form</p>	III.C.1.	

	accessible to persons with disabilities and those with limited English proficiency (LEP)?		
6.	<p><b>ACTION PLAN</b> – Does the Action Plan include a single chart or table that illustrates, at the most practical level, how all funds are budgeted (e.g., by program, subrecipient, grantee-administered activity, or other category)?</p> <p>NOTE: While grantees may not include a program to meet the CDBG-DR mitigation set-aside in their budget, it must address the set-aside and all the requirements in section F of this checklist.</p>	III.C.1.	
7.	<p><b>IMPACT AND UNMET NEEDS ASSESSMENT</b> – Does the assessment evaluate all aspects of recovery including housing (interim and permanent, owner and rental, single family and multifamily, affordable and market rate, and housing to meet the needs of persons who were experiencing homelessness pre-disaster), infrastructure, and economic revitalization needs, while also incorporating mitigation needs into activities that support recovery?</p>	III.C.1.a.	
8.	<p><b>IMPACT AND UNMET NEEDS ASSESSMENT</b> - Does the assessment take into account the various forms of assistance available to, or likely to be available to, affected communities (e.g., projected FEMA funds) and individuals (e.g., estimated insurance) and, using the most recent available data, estimate the portion of need unlikely to be addressed by insurance proceeds, other Federal assistance, or any other funding sources?</p> <p>NOTE: For example, the grantee indicates in its assessment that it used the most recent available data while citing sources and a timeframe at which they received the data. Grant managers should look for declarative statements and citations to back up those statements.</p>	III.C.1.a.	
9.	<p><b>IMPACT AND UNMET NEEDS ASSESSMENT</b> - Does the grantee assess whether public services (e.g., housing counseling, legal advice and representation, job training, mental health, and general health services) are necessary to complement activities intended to address housing, infrastructure, and economic revitalization and how those services would need to be made accessible to individuals with disabilities including, but</p>	III.C.1.a.	

	<p>not limited to, mobility, sensory, developmental, emotional, cognitive, and other impairments?</p> <p>NOTE: For example, a grantee may include an analysis of what public services are available to disaster impacted households and note what public services are missing. The grantee may also then determine what public services to fund based on that analysis.</p>		
10.	<p><b>IMPACT AND UNMET NEEDS ASSESSMENT</b> – Does the grantee describe the extent to which expenditures for planning activities will benefit the HUD-identified MID areas, as described in section II.A.3 of the Consolidated Notice?</p>	III.C.1.a.	
11.	<p><b>IMPACT AND UNMET NEEDS ASSESSMENT</b> – Does the grantee describe disaster impacts geographically by type at the lowest level practicable (e.g., county/parish level or lower if available for states, and neighborhood or census tract level for cities)?</p>	III.C.1.a.	
12.	<p><b>IMPACT AND UNMET NEEDS ASSESSMENT</b> – Does the grantee take into account the costs and benefits of incorporating hazard mitigation measures to protect against the specific identified impacts of future extreme weather events and other natural hazards? Does the grantee cite data sources?</p> <p>NOTE: This analysis should factor in historical and projected data on risk that incorporates best available science (e.g., the most recent National Climate Assessment).</p>	III.C.1.a.	
13.	<p><b>CONNECTION OF PROGRAMS AND PROJECTS TO UNMET NEEDS</b> – Does the plan provide a clear connection between a grantee’s impact and unmet needs assessment and its proposed programs and projects in the MID areas (or outside in connection to the MID areas as described in section II.A.3 of the Consolidated Notice)?</p>	III.C.1.b.	
14.	<p><b>CONNECTION OF PROGRAMS AND PROJECTS TO UNMET NEEDS</b> – Does the plan demonstrate a reasonably proportionate allocation of resources relative to areas and categories (i.e., housing, economic revitalization, infrastructure) of greatest needs identified in the grantee’s impact and unmet needs assessment or provide an acceptable justification for a disproportional allocation, while also incorporating hazard mitigation</p>	III.C.1.b.	

	measures to reduce the impacts of recurring natural disasters and the long-term impacts of climate change?		
15.	<b>PUBLIC HOUSING, AFFORDABLE RENTAL HOUSING, AND HOUSING FOR VULNERABLE POPULATIONS</b> - Does the Action Plan include a description of how the grantee has analyzed, identified, and will address (with CDBG-DR or other sources) the disaster-related rehabilitation, reconstruction, and new construction needs of public housing, affordable rental housing (including both subsidized and market rate affordable housing), and housing for vulnerable populations, including emergency shelters and permanent housing for persons experiencing homelessness, in the MID areas?	III.C.1.c.	
16.	<b>PUBLIC HOUSING, AFFORDABLE RENTAL HOUSING, AND HOUSING FOR VULNERABLE POPULATIONS</b> - Does the Action Plan assess and describe how the grantee will address unmet needs in the following types of housing: public housing, affordable rental housing (including both subsidized and market rate affordable housing), and housing for vulnerable populations, including emergency shelters and permanent housing for persons experiencing homelessness, in the areas affected by the disaster?	III.C.1.c.	
17.	<b>PUBLIC HOUSING, AFFORDABLE RENTAL HOUSING, AND HOUSING FOR VULNERABLE POPULATIONS</b> - Does the grantees indicate its coordination with local public housing authorities (PHA) in the MID areas to ensure that the grantee's representation in the Action Plan reflects the input of those entities, including coordination with State Housing Finance agencies to make sure that all funding sources that are available and opportunities for leverage are noted?	III.C.1.c.	
18.	<b>PUBLIC HOUSING</b> - Does the Action Plan describe unmet public housing needs of each disaster-impacted PHA within its jurisdiction, if applicable?  NOTE: Grantees must indicate that they worked directly with impacted PHAs in identifying necessary and reasonable costs and ensuring that adequate funding from all available sources is dedicated to addressing the unmet needs of damaged public housing	III.C.1.c.(i)	

	(e.g., FEMA, insurance, and funds available from programs administered by HUD's Office of Public and Indian Housing).		
19.	AFFORDABLE RENTAL HOUSING - Does the Action Plan describe unmet affordable rental housing needs for LMI households as a result of the disaster or exacerbated by the disaster including private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program, and any other housing that is assisted under a HUD program in the MID areas?	III.C.1.c.(ii)	
20.	AFFORDABLE RENTAL HOUSING - Does the Action Plan identify funding to specifically address unmet needs for affordable rental housing to LMI households?  NOTE: If a grantee is proposing an allocation of CDBG-DR funds for affordable rental housing needs, see questions 72 and 73 on additional requirements.	III.C.1.c.(ii)	
21.	HOUSING FOR VULNERABLE POPULATIONS - Does the Action Plan describe how CDBG-DR or other funding sources available will promote housing for vulnerable populations in the MID area?	III.C.1.c.(iii)	
22.	HOUSING FOR VULNERABLE POPULATIONS - Does the Action Plan include how the grantee plans to address transitional housing, including emergency shelters and housing for persons experiencing homelessness, permanent supportive housing, and permanent housing needs of individuals and families (including subpopulations) that are experiencing or at risk of experiencing homelessness with CDBG-DR or other funding sources available?	III.C.1.c.(iii)	
23.	HOUSING FOR VULNERABLE POPULATIONS - Does the Action Plan include how the grantee plans to address the prevention of low-income individuals and families with children (especially those with incomes below thirty percent of the area median) from becoming homeless with CDBG-DR or other funding sources available?	III.C.1.c.(iii)	
24.	HOUSING FOR VULNERABLE POPULATIONS -Does the Action Plan include how the grantee plans to address the special needs of persons who are not experiencing	III.C.1.c.(iii)	

	homelessness but require supportive housing (i.e., elderly, frail elderly, persons with disabilities (mental, physical, developmental, etc.), victims of domestic violence, persons with alcohol or other substance-use disorder, persons with HIV/AIDS and their families, and public housing residents, as identified in 24 CFR 91.315(e)) with CDBG-DR or other funding sources available?		
25.	<p>FAIR HOUSING, CIVIL RIGHTS DATA, AND ADVANCING EQUITY - Does the grantee provide an <i>assessment</i> of whether its planned use of CDBG-DR funds will have an unjustified discriminatory effect on or failure to benefit racial and ethnic minorities in proportion to their communities' needs, particularly in racially and ethnically concentrated areas of poverty, and how it will address the recovery needs of impacted individuals with disabilities?</p> <p>NOTE: HUD defines Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs) as census tracts where: (1) the non-white population comprises 50 percent or more of the total population, and (2) the percentage of individuals living in households with incomes below the poverty rate is either (a)40 percent or above or (b) three times the average poverty rate for the metropolitan area, whichever is lower. These are areas which have both a high concentration of racial/ethnic minorities and extreme levels of poverty and could be used as the "standard." Additionally, an assessment, for this requirement, can be defined as the systematic collection, review, and use of data for the purpose of determining if the grantee's planned use of funds would have an unjustified discriminatory effect in those areas defined above. Grantees should demonstrate that they collected data, reviewed the data, and used those results to complete an assessment.</p>	III.C.1.d.	
26.	<p>FAIR HOUSING, CIVIL RIGHTS DATA, AND ADVANCING EQUITY – As part of the assessment on the planned use of CDBG-DR funds, does the Action Plan include data for the HUD-identified and grantee-identified MID areas that identifies the following information, <i>as it is available</i>:</p> <ul style="list-style-type: none"> <li>- Racial and ethnic make-up of the population, including relevant sub-populations depending on activities and programs outlined in the plan (this would include renters and homeowners if eligibility is dependent on housing tenure) and the</li> </ul>	III.C.1.d.	

	<p>specific sub- geographies in the MID areas in which those programs and activities will be carried out;</p> <ul style="list-style-type: none"> <li>- LEP populations, including number and percentage of each identified group;</li> <li>- Number and percentage of persons with disabilities;</li> <li>- Number and percentage of persons belonging to Federally protected classes under the Fair Housing Act (race, color, national origin, religion, sex—which includes sexual orientation and gender identity—familial status, and disability) and other vulnerable populations as determined by the grantee;</li> <li>- Indigenous populations and tribal communities, including number and percentage of each identified group;</li> <li>- Racially and ethnically concentrated areas and concentrated areas of poverty; and</li> <li>- Historically distressed and underserved communities.</li> </ul>		
27.	<p><b>FAIR HOUSING, CIVIL RIGHTS DATA, AND ADVANCING EQUITY</b> - Does the Action Plan identify which protected classes, vulnerable populations, and historically underserved groups were considered and how those groups can be expected to benefit from the activities set forth in the plan consistent with the civil rights requirements in the notice?</p> <p>NOTE: For purposes of the Consolidated Notice, HUD defines vulnerable populations as a group or community whose circumstances present barriers to obtaining or understanding information or accessing resources. Grantees are required to identify these populations in the action plan. As an example, to meet this requirement grantees may describe the following: the degree to which protected classes are involved in the planning process; the populations in the service area and degree to which protected classes will be recipients or beneficiaries of funded programs; the geographic areas of the jurisdiction (including areas of LMI households and racial/minority concentrations) in which assistance will be directed; the considerations made for effective communication; the outreach to promote the likelihood of underserved populations knowing about and partaking in the programs/activities; and clearly state that programs/activities are in accessible locations.</p>	III.C.1.d.	



28.	<p>FAIR HOUSING, CIVIL RIGHTS DATA, AND ADVANCING EQUITY - Does the Action Plan explain how the use of funds will reduce barriers that individuals may face when enrolling in and accessing CDBG-DR assistance?</p> <p>NOTE: For example, barriers imposed by a lack of outreach to their community or by the lack of information in non-English languages or accessible formats for individuals with different types of disabilities.</p>	III.C.1.d.	
29.	<p>FAIR HOUSING, CIVIL RIGHTS DATA, AND ADVANCING EQUITY - Does the Action Plan identify the proximity of natural and environmental hazards (e.g., industrial corridors, sewage treatment facilities, waterways, EPA superfund sites, brownfields, etc.) to affected populations in the MID area, including members of protected classes, vulnerable populations, and underserved communities and explore how CDBG-DR activities may mitigate environmental concerns and increase resilience among these populations to protect against the effects of extreme weather events and other natural hazards?</p>	III.C.1.d.	
30.	<p>FAIR HOUSING, CIVIL RIGHTS DATA, AND ADVANCING EQUITY - Does the Action Plan describe how the grantee's use of CDBG-DR funds is consistent with their obligation to affirmatively further fair housing?</p> <p>NOTE: HUD regulations at 24 CFR 5.151 provide that affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. For example, grantees may choose to reference the AFFH goals articulated in HUD's Fair Housing Planning Guide to ensure compliance with this requirement. Examples of AFFH goals include: analyzing and eliminating housing discrimination in the jurisdiction; promoting fair housing choice for all persons; providing opportunities for inclusive patterns of housing occupancy, regardless of race, color, religion, sex, familial status, disability, and national origin; promoting housing that is structurally accessible to and usable by all persons; particularly persons with disabilities; and fostering compliance with the non-discrimination provision of the Fair Housing Act.</p>	III.C.1.d.	

31.	INFRASTRUCTURE – Does the Action Plan describe how the grantee will promote sound, sustainable long-term recovery planning?	III.C.1.e.	
32.	<p>INFRASTRUCTURE – Does the Action Plan describe how the grantee will adhere to the elevation requirements established in section II.C.2. of the Consolidated Notice?</p> <p>NOTE: II.C.2 – Elevation of nonresidential structures. Nonresidential structures, including infrastructure, assisted with CDBG–DR funds must be elevated to the standards described in this paragraph or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 100-year (or one percent annual chance) floodplain. All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(2)– (3) or successor standard) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain or elevation is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation. Activities subject to elevation requirements must comply with applicable federal accessibility mandates.</p>	III.C.1.e.	
33.	<p>INFRASTRUCTURE – If a grantee is allocating funds for infrastructure, does the Action Plan describe how it will address the construction or rehabilitation of disaster-related systems (e.g., storm water management systems) or other disaster-related community-based mitigation systems (e.g., using FEMA’s community lifelines)?</p> <p>NOTE: State grantees carrying out infrastructure activities must work with units of general local government and Indian tribes in the MID areas to identify the unmet needs and associated costs of needed disaster-related infrastructure improvements.</p>	III.C.1.e.	
34.	INFRASTRUCTURE – If a grantee is allocating funds for infrastructure, does the Action Plan describe how mitigation measures and strategies to reduce natural hazard risks, including climate-related risks, will be integrated into rebuilding activities?	III.C.1.e.	

35.	INFRASTRUCTURE – If a grantee is allocating funds for infrastructure, does the Action Plan describe the extent to which CDBG-DR funded infrastructure activities will achieve objectives outlined in regionally or locally established plans and policies that are designed to reduce future risk to the jurisdiction?	III.C.1.e.	
36.	INFRASTRUCTURE – If a grantee is allocating funds for infrastructure, does the Action Plan describe how the grantee will evaluate the costs and benefits in selecting infrastructure projects to assist with CDBG-DR funds?	III.C.1.e.	
37.	INFRASTRUCTURE – If a grantee is allocating funds for infrastructure, does the Action Plan describe how the grantee will align infrastructure investments with other planned federal, state, or local capital improvements and infrastructure development efforts, and will work to foster the potential for additional infrastructure funding from multiple sources, including existing state and local capital improvement projects in planning, and the potential for private investment?	III.C.1.e.	
38.	INFRASTRUCTURE – If a grantee is allocating funds for infrastructure, does the Action Plan describe how the grantee will employ adaptable and reliable technologies to prevent premature obsolescence of infrastructure?	III.C.1.e.	
39.	INFRASTRUCTURE – If a grantee is allocating funds for infrastructure, does the Action Plan describe how the grantee will invest in restoration of infrastructure and related long-term recovery needs within historically underserved communities that lacked adequate investments in housing, transportation, water, and wastewater infrastructure prior to the disaster?	III.C.1.e.	
40.	<p>MINIMIZE DISPLACEMENT - Does the Action Plan describe how the grantee plans to minimize displacement of persons or entities, or the adverse impacts from displacement, and assist any persons or entities displaced, and ensure accessibility needs of displaced persons with disabilities?</p> <p>NOTE: The description should be consistent with the requirements of Section IV.F of the Consolidated Notice, Section 104(d) of the HCDA (42 USC 5304) and</p>	III.C.1.f.	

	implementing regulations at 24 CFR part 42, and 24 CFR 570.488 or 24 CFR 570.606, as applicable.		
41.	MINIMIZE DISPLACEMENT - Does the Action Plan indicate to HUD whether the grantee will be amending an existing Residential Anti-displacement and Relocation Assistance Plan (RARAP) or creating a new RARAP specific to CDBG-DR?	III.C.1.f.	
42.	MINIMIZE DISPLACEMENT - Does the Action Plan describe how the grantee will plan and budget for relocation activities?	III.C.1.f.	
43.	ALLOCATION AND AWARD CAPS - Does the Action Plan provide a description of each disaster recovery program or activity to be funded, including the CDBG-DR eligible activities and national objectives associated with each program and the eligibility criteria for assistance?	III.C.1.g	
44.	ALLOCATION AND AWARD CAPS - Does the Action Plan describe the maximum amount of assistance (i.e., award cap) available to a beneficiary under each of the grantee's disaster recovery programs?	III.C.1.g	
45.	ALLOCATION AND AWARD CAPS - Does the Action Plan describe the process it will use to make exceptions on a case-by-case basis to the maximum amount of assistance, including exceptions to comply with federal accessibility standards or to reasonably accommodate a person with disabilities?	III.C.1.g	
46.	COST CONTROLS AND WARRANTIES - Does the grantee provide a description of the standards to be established for construction contractors performing work in the jurisdiction, including a warranty period post-construction with a formal notification to beneficiaries on a periodic basis (e.g., 6 months and one month before expiration date of the warranty), and the mechanisms to be used by the grantee to assist beneficiaries in responding to contractor fraud, poor quality work, and associated issues?	III.C.1.h	
47.	COST CONTROLS AND WARRANTIES - Does the Action Plan describe its controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction?	III.C.1.h	

48.	RESILIENCE PLANNING - Does the Action Plan describe its Resilience Planning efforts and how it plans to minimize damage and recover quickly from extreme events and changing conditions, including natural hazard risks? At a minimum, does the grantee's Action Plan contain a description of how the grantee will emphasize high quality design, durability, energy efficiency, sustainability, and mold resistance?	III.C.1.i	
49.	RESILIENCE PLANNING -Does the Action Plan contain a description of how the grantee will support adoption and enforcement of modern and/or resilient building codes that mitigate against natural hazard risks, including climate-related risks and provide for accessible building codes and standards, as applicable?  NOTE: Climate-related risks can include, for example: sea level rise, high winds, storm surge, flooding, volcanic eruption, and wildfire risk, where appropriate and as may be identified in the jurisdiction's rating and identified weaknesses (if any) in building code adoption using FEMA's Nationwide Building Code Adoption Tracking (BCAT) portal.	III.C.1.i	
50.	RESILIENCE PLANNING - Does the Action Plan contain a description of how the grantee will establish and support recovery efforts by funding feasible, cost-effective measures that will make communities more resilient against a future disaster?	III.C.1.i	
51.	RESILIENCE PLANNING - Does the Action Plan contain a description of how the grantee will make land-use decisions that reflect responsible and safe standards to reduce future natural hazard risks, e.g., by adopting or amending an open space management plan that reflects responsible floodplain and wetland management and takes into account continued sea level rise, if applicable?	III.C.1.i	
52.	RESILIENCE PLANNING - Does the Action Plan contain a description of how the grantee will increase awareness of the hazards in its communities (including for members of protected classes, vulnerable populations, and underserved communities) through outreach to the MID areas?	III.C.1.i	
53.	RESILIENCE PLANNING - Does the Action Plan include a description of how the grantee will promote sound, sustainable long-term recovery planning informed by a post-disaster evaluation of hazard risk, including climate-related natural hazards and the	III.C.1.i	

	<p>creation of resilience performance metrics as described in paragraph II.A.2.c. of the Consolidated Notice?</p> <p>NOTE: This information should be based on the history of FEMA and other federally-funded disaster mitigation efforts and, as appropriate, take into account projected increases in sea level, the frequency and intensity of extreme weather events, and worsening wildfires.</p>		
54.	<p><b>RESILIENCE PLANNING</b> - Does the Grantee use and reference the FEMA-approved Hazard Mitigation Plan (HMP), Community Wildfire Protection Plan (CWPP), or other resilience plans to inform the evaluation?</p>	III.C.1.i	

**Section: Initial Public Action Plan - B. Action Plan Requirements for States ONLY**

**Narrative:**

Does the Action Plan include the following information:

	<b>Questions</b>	<b>Notice Reference</b>	<b>HUD Reviewer Response</b> (Yes, No, or N/A (if allowable))
55.	<p>STATES ONLY- Does the Action Plan describe how the grantee will distribute grant funds, either through specific programs and projects the grantee will carry out directly (through employees, contractors, or through subrecipients), or through a method of distribution of funds to local governments and Indian tribes (as permitted by III.B.2.d.), and how it will result in long-term recovery from specific impacts of the disaster?</p> <p>NOTE: A “No” response to questions in this section does not necessarily necessitate a rejection of the Public Action Plan. However, for states using a method of distribution, if some required information is unknown when the grantee is submitting its Action Plan to HUD (e.g., the list of programs or activities required by III.C.1.g. or the projected use of CDBG-DR funds by responsible entity as required by subparagraph (5) in this section), the grantee <u>must</u> update the Action Plan through a substantial amendment once the information is known. If necessary to comply with a statutory requirement that a grantee shall submit a plan detailing the proposed use of all funds prior to HUD’s obligation of grant funds, HUD may obligate only a portion of grant funds until the substantial amendment providing the required information is submitted and approved by HUD.</p>	III.C.2.	
56.	STATES ONLY– Does the Action Plan describe how when funds are subgranted to local governments or Indian tribes (either as subrecipients or through a method of	III.C.2.	

	distribution), all criteria used to allocate and award the funds including the relative importance of each criterion (including any priorities)?		
57.	<p>STATES ONLY– Does the Action Plan describe how the distribution and selection criteria will address disaster-related unmet needs in a manner that does not have an unjustified discriminatory effect based on race or other protected class and ensure the participation of minority residents and those belonging to other protected class groups in the MID areas?</p> <p>NOTE: This description should include an assessment of who may be expected to benefit, the timing of who will be prioritized, and the amount or proportion of benefits expected to be received by different communities or groups (e.g., the proportion of benefits going to different locations within the MID or to homeowners versus renters).</p>	III.C.2.	
58.	STATES ONLY– Does the Action Plan describe the threshold factors and recipient or beneficiary grant size limits that are to be applied?	III.C.2.	
59.	STATES ONLY– Does the Action Plan describe the projected uses for the CDBG-DR funds, by responsible entity, activity, and geographic area?	III.C.2.	
60.	STATES ONLY– Does the Action Plan provide the information for each proposed program and/or activity, its respective CDBG activity eligibility category (or categories), national objective(s), and what disaster-related impact is addressed?	III.C.2.	
61.	STATES ONLY– Does the Action Plan describe the grantee’s process when applications are solicited for programs carried out directly, all criteria used to select applications for funding, including the relative importance of each criterion, and any eligibility requirements?	III.C.2.	



**Section: Initial Public Action Plan - C. Action Plan Requirements for Local Governments ONLY**

**Narrative:**

Does the Action Plan include the following information:

	<b>Questions</b>	<b>Notice Reference</b>	<b>HUD Reviewer Response</b> (Yes, No, or N/A (if allowable))
62.	LOCAL GOVERNMENTS ONLY – Does the Action Plan describe how the impact and unmet needs assessment informs funding determinations, including the rationale behind the decision(s) to provide funds to most impacted and distressed areas?	III.C.3.	
63.	<p>LOCAL GOVERNMENTS ONLY – Does the Action Plan describe all criteria used to select applications (including any priorities), including the relative importance of each criterion, and any eligibility requirements?</p> <p>NOTE: A “No” response to questions in this section does not necessarily necessitate a rejection of the Public Action Plan. However, if the criteria are unknown when the grantee is submitting the initial Action Plan to HUD, the grantee <u>must</u> update the Action Plan through a substantial amendment once the information is known. The substantial amendment must be submitted and approved before selecting applications.</p>	III.C.3.	
64.	LOCAL GOVERNMENTS ONLY– Does the Action Plan describe how the distribution and selection criteria will address disaster-related unmet needs in a manner that does not have an unjustified discriminatory effect and ensures the participation of minority residents and those belonging to other protected class groups in the MID areas, including with regards to who may benefit, the timing of who will be prioritized, and the amount or proportion of benefits expected to be received by different communities or	III.C.3.	

	groups (e.g., the proportion of benefits going to different locations within the MID or to homeowners versus renters)?		
65.	LOCAL GOVERNMENTS ONLY– Does the Action Plan describe the threshold factors and grant size limits that are to be applied?	III.C.3.	
66.	LOCAL GOVERNMENTS ONLY– Does the Action Plan describe the projected uses for the CDBG-DR funds, by responsible entity, activity, and geographic area?	III.C.3.	
67.	LOCAL GOVERNMENTS ONLY– Does the Action Plan describe for each proposed program and/or activity, its respective CDBG activity eligibility category (or categories), national objective(s), and what disaster-related impact is addressed, as described in section II.A.1. of the Consolidated Notice?	III.C.3.	

**Section: Initial Public Action Plan - D. Eligible Activities and Other General Waivers and Alternative Requirements**

**Narrative:**

Does the Action Plan include the following information:

	<b>Questions</b>	<b>Notice Reference</b>	<b>HUD Reviewer Response</b> (Yes, No, or N/A (if allowable))
68.	<p><b>GREEN AND RESILIENT BUILDING STANDARD FOR NEW CONSTRUCTION AND RECONSTRUCTION OF HOUSING</b> – Does the grantee indicate that it will meet the Green and Resilient Building Code standards established in section II.B.2.a. for (i) all new construction and reconstruction (i.e., demolishing a housing unit and rebuilding it on the same lot in substantially the same manner) of residential buildings and (ii) all rehabilitation activities of substantially damaged residential buildings, including changes to structural elements such as flooring systems, columns, or load-bearing interior or exterior walls?</p> <p>NOTE: The grantee must identify an industry-recognized green building standard AND a minimum energy efficiency standard. A “No” response to this question does not necessarily necessitate a rejection of the Public Action Plan, but the grantee must then address this requirement in each project file and should note the standards to be used in its policies and procedures.</p>	II.B.2.a.	
69.	<p><b>STANDARDS FOR REHABILITATION OF NONSUBSTANTIALLY DAMAGED RESIDENTIAL BUILDINGS</b> – Does the grantee indicate that it will follow the guidelines specified in the HUD CPD Green Building Retrofit Checklist, to the extent applicable, for rehabilitation other than the rehabilitation of substantially damaged residential buildings described in section II.B.2.a of the Consolidated Notice?</p>	II.B.2.b.	

	NOTE: A “No” response to this question does not necessarily necessitate a rejection of the Public Action Plan, but the grantee must then address this requirement in each project file and should note the standards to be used in its policies and procedures.		
70.	<p><b>ELEVATION STANDARDS FOR NEW CONSTRUCTION, RECONSTRUCTION, AND REHABILITATION OF SUBSTANTIAL DAMAGE, OR REHABILITATION RESULTING IN SUBSTANTIAL IMPROVEMENTS</b> – Does the grantee indicate that it will apply the elevation standards for new construction, reconstruction, and rehabilitation of substantial damage, or rehabilitation resulting in substantial improvements, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the one percent annual chance floodplain elevation (base flood elevation)?</p> <p>NOTE: Mixed-use structures with no dwelling units and no residents below two feet above base flood elevation, must be elevated or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above base flood elevation. A “No” response to this question does not necessarily necessitate a rejection of the Public Action Plan, but the grantee must then address this requirement in each project file and should note the standards to be used in its policies and procedures.</p>	II.B.2.c.	
71.	<p><b>BROADBAND INFRASTRUCTURE IN HOUSING</b> – Does the grantee indicate that it will include the installation of broadband infrastructure, except where a grantee documents an allowable exception as identified in section II.B.2.d. of the Consolidated Notice, for any substantial rehabilitation, reconstruction, or new construction of a building with more than four rental unit?</p> <p>NOTE: A “No” response to this question does not necessarily necessitate a rejection of the Public Action Plan, but the grantee must then address this requirement in each project file and should note the standards to be used in its policies and procedures.</p>	II.B.2.d.	
72.	<b>APPLICABLE AFFORDABILITY PERIODS FOR NEW CONSTRUCTION OF AFFORDABLE RENTAL HOUSING</b> – If the grantee plans to use funds to assist affordable rental housing, does the grantee define “affordable rents” in its Action Plan?	II.B.3	

73.	<p><b>APPLICABLE AFFORDABILITY PERIODS FOR NEW CONSTRUCTION OF AFFORDABLE RENTAL HOUSING</b> – If the grantee plans to use funds for the new construction of affordable rental housing that contains 5 or more units, does the grantee define “affordable rents” in its Action Plan, and indicate the enforcement mechanisms and applicable timeframes that will apply to the new construction?</p> <p>NOTE: The minimum timeframes and other related requirements acceptable for compliance with this alternative requirement are the HOME Investment Partnerships Program (HOME) requirements at 24 CFR 92.252(e), including the table listing the affordability periods at the end of 24 CFR 92.252(e).</p>	II.B.3	
74.	<p><b>AFFORDABILITY PERIOD FOR NEW CONSTRUCTION OF HOMES BUILT FOR LMI HOUSEHOLDS</b> – If the grantee plans to use funds for the new construction of single-family homes built for LMI households to purchase and occupy, did the grantee indicate the affordability period and enforcement mechanisms that will be put in place for these homes? (for purposes of the Consolidated Notice, single-family housing is defined as four units or less)</p> <p>NOTE: The minimum affordability period acceptable for compliance are the HOME requirements at 24 CFR 92.254(a)(4). If a grantee applies other standards, the periods of affordability applied by a grantee must meet or exceed the applicable HOME requirements in 24 CFR 92.254(a)(4) and the table of affordability periods directly following that provision. Grantees shall establish resale or recapture requirements for housing funded pursuant to this paragraph and shall describe those requirements in the Action Plan or substantial amendment in which the activity is proposed. The resale or recapture requirements must clearly describe the terms of resale or recapture and the specific circumstances under which resale or recapture will be used. Affordability restrictions must be enforceable and imposed by recorded deed restrictions, covenants, or other similar mechanisms.</p>	II.B.4	
75.	<p><b>SF-424 AND CERTIFICATIONS</b> – Did the grantee use DRGR’s upload function to include the SF 424 (including SF 424B and SF 424D, as applicable) and certifications with its Action Plan?</p>	III.C.4.	

76.	<p><b>SUBSTANTIAL AMENDMENT</b> – Does the Action Plan specify criteria for determining what changes in the grantee’s plan constitute a substantial amendment to the plan?</p> <p>NOTE: At a minimum, the following modifications will constitute a substantial amendment: a change in program benefit or eligibility criteria; the addition or deletion of an activity; a proposed reduction in the overall benefit requirement, as outlined in III.F.2 of the Consolidated Notice.; or the allocation or reallocation of a monetary threshold specified by the grantee in their Action Plan.</p>	III.C.6.a.	
77.	<p><b>PROJECTION OF EXPENDITURES AND OUTCOMES</b> – Did the grantee upload the projected expenditures and outcomes into DRGR for each program created? Are the projections based on each quarter’s expected performance – beginning with the first quarter funds are available to the grantee and continuing each quarter until all funds are expended?</p>	III.C.7.	
78.	<p><b>PROGRAM INCOME</b> –Does the Action Plan describe how the grantee will manage program income and the purpose(s) for which it may be used?</p> <p>NOTE: A “No” response to this question does not necessarily necessitate a rejection of the Public Action Plan, but the grantee must then address this requirement in its policies and procedures and identify in its Action Plan the uses of program income as it is received and budgeted.</p>	III.E.1.d.	
79.	<p><b>OVERALL BENEFIT REQUIREMENTS</b> – Does the budget allocate not less than 70 percent of funds (minus any admin or planning costs) to be used for activities that benefit low- and moderate-income persons (overall benefit requirement)?</p>	III.F.2.	
80.	<p><b>USE OF THE URGENT NEED NATIONAL OBJECTIVE</b> – For grantees that intend to use the urgent need national objective, does the Action Plan describe in the impact and unmet needs assessment why specific needs have a particular urgency, including how the existing conditions pose a serious and immediate threat to the health or welfare of the community?</p> <p>NOTE: An N/A response here is available.</p>	III.F.3.	

81.	USE OF THE URGENT NEED NATIONAL OBJECTIVE – For grantees that intend to use the urgent need national objective, does the Action Plan identify each program or activity in the Action Plan that will use the urgent need national objective?	III.F.3.	
82.	USE OF THE URGENT NEED NATIONAL OBJECTIVE – For grantees that intend to use the urgent need national objective, does the Action Plan document how each program and/or activity funded under the urgent need national objective in the Action Plan responds to the urgency, type, scale, and location of the disaster-related impact as described in the grantee’s impact and unmet needs assessment?	III.F.3.	
83.	REIMBURSEMENT OF DISASTER RECOVERY EXPENSES BY A GRANTEE OR SUBRECIPIENT – If the grantee wishes to be reimbursed for pre-agreement activities, did the grantee include those activities in its Action Plan and are the activities listed eligible?  NOTE: This could include costs of eligible activities that were funded with short-term loans (e.g., bridge loans) and that the grantee intends to reimburse or otherwise charge to the grant, consistent with applicable program requirements. An N/A response here is available.	III.F.4.	
84.	SECTION 104(D) ONE-FOR-ONE REPLACEMENT OF LOWER-INCOME DWELLING UNITS – Did the grantee define “not suitable for rehabilitation” in its Action Plan or describe that it would include this definition in its policies/procedures before carrying out activities that may be subject to the one-for-one replacement housing requirements?  NOTE: A “No” response to this question does not necessarily necessitate a rejection of the Public Action Plan, but the grantee <u>must</u> then address this requirement in each project file and should note the definition to be used in its policies and procedures.	IV.F.1.	

**Section: Initial Public Action Plan - E. Consultation and Citizen Participation**

**Narrative:**

Does the Action Plan include the following information:

	<b>Questions</b>	<b>Notice Reference</b>	<b>HUD Reviewer Response</b> (Yes, No, or N/A (if allowable))
85.	REQUIREMENT FOR CONSULTATION DURING PLAN PREPARATION – Did the grantee consult with states, Indian tribes, local governments, Federal partners, nongovernmental organizations, the private sector, and other stakeholders and affected parties in the surrounding geographic area, including organizations that advocate on behalf of members of protected classes, vulnerable populations, and underserved communities impacted by the disaster, to ensure consistency of the Action Plan with applicable regional redevelopment plans?	III.D.1.a., III.C.1.e, and III.B.2.i.	
86.	PUBLICATION OF THE ACTION PLAN AND OPPORTUNITY FOR PUBLIC COMMENT – Following the creation of the Action Plan in DRGR and before the grantee submits the Action Plan to HUD, did the grantee publish the proposed plan for public comment?	III.D.1.b.	
87.	PUBLICATION OF THE ACTION PLAN AND OPPORTUNITY FOR PUBLIC COMMENT – Did the grantee demonstrate that it considered if there were potential barriers that may limit or prohibit vulnerable populations or underserved communities and individuals affected by the disaster from providing public comment on the Action Plan? If the grantee did identify barriers, did it take reasonable measures to increase	III.D.1.b.	



	coordination, communication, affirmative marketing, targeted outreach, and engagement with underserved communities and individuals, including persons with disabilities and persons with LEP?		
88.	PUBLICATION OF THE ACTION PLAN AND OPPORTUNITY FOR PUBLIC COMMENT – Did the grantee demonstrate that it has notified affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with neighborhood organizations?	III.D.1.b.	
89..	PUBLICATION OF THE ACTION PLAN AND OPPORTUNITY FOR PUBLIC COMMENT – Did the grantee convene at least one public hearing on the proposed Action Plan after it was published on its website to solicit public comment and before submittal of the Action Plan to HUD?	III.D.1.b.	
90.	<p>PUBLICATION OF THE ACTION PLAN AND OPPORTUNITY FOR PUBLIC COMMENT – If the grantee held more than one public hearing, did it hold each hearing in a different location within the MID area in locations that the grantee determines will promote geographic balance and maximum accessibility?</p> <p>NOTE: The minimum number of public hearings a grantee must convene on the Action Plan to obtain interested parties’ views and to respond to comments and questions shall be determined by the amount of the grantee’s CDBG-DR allocation: (1) CDBG-DR grantees with allocations under \$500 million are required to hold at least one public hearing in a HUD-identified MID area; and (2) CDBG-DR grantees with allocations over \$500 million or more shall convene at least two public hearings in HUD-identified MID areas.</p>	III.D.1.b.	
91.	CONSIDERATION OF PUBLIC COMMENTS – Did the grantee provide a reasonable time frame (no less than 30 days) and method(s) (including electronic submission) for receiving comments on the Action Plan?	III.D.1.c.	
92.	CONSIDERATION OF PUBLIC COMMENTS – If the grantee received comments, did the grantee demonstrate that it considered all oral and written comments on the Action	III.D.1.c.	

	<p>Plan, and did the grantee identify updates or changes made to the Action Plan in response to public comments?</p> <p>NOTE: Grantee responses shall address the substance of the comment rather than merely acknowledge that the comment was received.</p>		
93.	<p>CONSIDERATION OF PUBLIC COMMENTS – Did the grantee upload the summary of comments on the plan, as well as the grantee’s response to each, in DRGR with the Action Plan?</p>	III.D.1.c.	
94.	<p>AVAILABILITY AND ACCESSIBILITY OF DOCUMENTS – Did the grantee make the Action Plan and vital documents available to the public on its website?</p> <p>NOTE: Vital documents are those that are critical for ensuring meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically.</p>	III.D.1.d.	
95.	<p>AVAILABILITY AND ACCESSIBILITY OF DOCUMENTS – Did the grantee make these documents available in a form accessible to persons with disabilities and those with LEP?</p> <p>NOTE: The grantee must take reasonable steps to ensure meaningful access to its programs and activities by LEP persons, including members of protected classes, vulnerable populations, and individuals from underserved communities.</p>	III.D.1.d.	

**Section: Initial Public Action Plan – F. Allocation Announcement Notice – CDBG-DR Mitigation Set-Aside**

**Narrative:**

The Appropriations Act requires HUD to include in any allocation of CDBG-DR funds for unmet needs an additional amount of 15 percent for mitigation activities (“CDBG-DR mitigation set-aside”). Does the Action Plan include the following information:

	<b>Questions</b>	<b>Notice Reference</b>	<b>HUD Reviewer Response</b> (Yes, No, or N/A (if allowable))
96.	CDBG-DR MITIGATION SET-ASIDE – Does the Action Plan identify the following: how the proposed use of the CDBG-DR mitigation set-aside will: (1) meet the definition of mitigation activities; (2) address the current and future risks as identified in the grantee’s mitigation needs assessment in the MID areas; (3) be CDBG-eligible activities under Title I of the HCDA or otherwise eligible pursuant to a waiver or alternative requirement; and (4) meet a national objective?	IV.A.2.	
97.	MITIGATION NEEDS ASSESSMENT – Did the grantee include in its Action Plan a mitigation needs assessment to inform the activities funded by the CDBG-DR mitigation set-aside?	IV.A.2.a.	
98.	MITIGATION NEEDS ASSESSMENT – Did the grantee assess the characteristics and impacts of current and future hazards identified through its recovery from the qualified disaster and any other Presidentially declared disaster by conducting a risk-based assessment?  NOTE: Mitigation solutions designed to be resilient only for threats and hazards related to a prior disaster can leave a community vulnerable to negative effects from future	IV.A.2.a.	

	extreme events related to other threats or hazards. When risks are identified among other vulnerabilities during the framing and design of mitigation projects, implementation of those projects can enhance protection and save lives, maximize the utility of scarce resources, and benefit the community long after the projects are complete.		
99.	MITIGATION NEEDS ASSESSMENT - Did the grantee assess its mitigation needs in a manner that effectively addresses risks to indispensable services that enable continuous operation of critical business and government functions, and are critical to human health and safety, or economic security?	IA.A.2.a.	
100.	MITIGATION NEEDS ASSESSMENT - Did the grantee cite data sources and at a minimum, use the risks identified in the current FEMA-approved state or local HMP?  NOTE: If a jurisdiction is currently updating an expired HMP, the grantee's agency administering the CDBG-DR funds must consult with the agency administering the HMP update to identify the risks that will be included in the assessment.	IA.A.2.a.	
101.	CONNECTION OF PROGRAMS AND PROJECTS TO THE MITIGATION NEEDS ASSESSMENT – Did the grantee describe a clear connection between identified mitigation needs and its proposed activities in the MID areas funded by the CDBG-DR mitigation set-aside?	IV.A.2.b.	

**Section: Initial Public Action Plan - G. Conclusion**

	<b>Questions</b>	<b>Notice Reference</b>	<b>HUD Reviewer Response</b> (Yes, No, or N/A (if allowable))
102.	CONCLUSION – Based on the reviewer’s responses to the question in sections A through E of this checklist, does the grantee include sufficient information in its Action Plan so that all interested parties will be able to understand and comment on the Action Plan?	III.C.1.	
103.	COMPLETE AND COMPLIANT - Based on the reviewer's responses to the questions in this checklist, is the Action Plan complete and in compliance with the <i>Federal Register</i> notice governing the use of these funds (88 FR 32046) and Public Law 117-180 and/or Public Law 117-328?		
104.	APPROVED - Is the Plan Approved?		
105.	REASON FOR RESUBMITTAL - If the Plan needs to be re-submitted, please indicate the reasons.		

**Section: Initial Public Action Plan – H. Certification Statements**

**Narrative:**

Each grantee receiving an allocation under the applicable *Federal Register* notice (88 FR 32046) must make the following certifications and submit those certifications with the Action Plan:

	<b>Questions</b>	<b>Notice Reference</b>	<b>HUD Reviewer Response</b> (Yes or No)
106.	a. The grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan (RARAP) in connection with any activity assisted with CDBG-DR grant funds that fulfills the requirements of Section 104(d), 24 CFR part 42, and 24 CFR part 570, as amended by waivers and alternative requirements.	III.F.7.	
107.	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.	III.F.7.	
108.	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 as modified by waivers and alternative requirements.	III.F.7.	
109.	d. The grantee certifies that activities to be undertaken with CDBG-DR funds are consistent with its action plan.	III.F.7.	

110.	e. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, as such requirements may be modified by waivers or alternative requirements.	III.F.7.	
111.	f. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 75.	III.F.7.	
112.	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 waivers and alternative requirements). 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 waivers and alternative requirements).	III.F.7.	
113.	h. State grantee certifies that it has consulted with all disaster-affected local governments (including any CDBG-entitlement grantees), Indian tribes, and any local public housing authorities in determining the use of funds, including the method of distribution of funding, or activities carried out directly by the state.	III.F.7.	
114.	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	III.F.7.	

	<p>permitted by HUD in a waiver) of the grant amount is expended for activities that benefit such persons.</p> <p>(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).</p>		
115.	<p>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.</p>	III.F.7.	
116.	<p>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:</p> <p>(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</p> <p>(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.</p>	III.F.7.	
117.	<p>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</p>	III.F.7.	



	a timely manner and that the grantee has reviewed the requirements applicable to the use of grant funds.		
118.	m. The grantee certifies to the accuracy of its Financial Management and Grant Compliance Certification Requirements, or other recent certification submission, if approved by HUD, and related supporting documentation as provided in section III.A.1. of the Consolidated Notice and the grantee's implementation plan and related submissions to HUD as provided in section III.A.2. of the Consolidated Notice.	III.F.7.	
119.	n. The grantee certifies that it will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.	III.F.7.	
120.	o. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.	III.F.7.	
121.	p. The grantee certifies that it will comply with environmental requirements at 24 CFR part 58.	III.F.7.	
122.	q. The grantee certifies that it will comply with the provisions of title I of the HCDA and with other applicable laws.	III.F.7.	