|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Guide for CDBG-DR (Addendum for 2011– 2013 Disasters)** | | | | |
| **Name of Grantee:** | | **Appropriation(s):** | | |
| **Staff Consulted:** | | | | |
| **Name(s) of Reviewer(s):** |  | | **Date:** |  |

**NOTE:** As stated in Chapter 2 of the monitoring handbook, an important and fundamental principle of the monitoring process is that HUD is required to make findings when there is evidence that a statute, regulation or requirement has been violated, but it retains discretion in identifying appropriate corrective action(s) to resolve deficiencies. An equally fundamental principle is that program participants have due process rights to contest findings (24 CFR part 570 subpart O for local governments and 24 CFR 570.495 for state grantees (in some cases, applicable waivers and alternative requirements may subject states to subpart O)).

As provided in Chapter 2, HUD reviewers are advised that certain questions contain, as a parenthetical below the question, statutory or regulatory citations and/or contract/agreement references. A negative response (“No”) by the HUD reviewer to any such question indicates noncompliance that constitutes a “finding.” Including the basis for the requirement enables the entity being monitored to specifically reference the program requirement at issue. That entity is not precluded from self-assessing during the monitoring to determine if it has information or documentation that would cause the HUD reviewer to form a different conclusion.

In this exhibit, most questions that address requirements contain the specific citation for the source of the requirement (specific citation to a section of a statute, regulation, *Federal Register* notice, or grant agreement). Where a specific citation is contained in the question, it may only apply to certain grants; carefully review the cited requirement to determine its applicability.

In other cases, the question generally references the source of the requirement (e.g., applicable *Federal Register* notices or grant agreement) but does not provide a specific citation. This is because statutory requirements, *Federal Register* notices (including waivers and alternative requirements), and grant agreements can vary significantly from appropriation to appropriation, and waivers and alternative requirements may vary from grantee to grantee. When the question contains a general reference to a source, the reviewer is instructed to review the source to confirm that the relevant requirement that relates to the question is contained in the source and applies to the grantee. The reviewer should answer the question based on the requirement that applies to the grantee. If the reviewer answers the question “no” because the grantee did not comply with the requirements in the source that apply to the grantee, the HUD reviewer must make a note of the applicable citation to document the violation that results in a finding of noncompliance.

Questions without a specific citation or a general reference to a controlling document do not address requirements. These questions are included to assist the reviewer in understanding the participant's program more fully and to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised but cannot result in a "finding."

A “Note” included with a question is intended to assist the reviewer with answering the question and is not a statutory or regulatory citation and/or contract/agreement reference that signals that a negative response (“No”) by the HUD reviewer to the question indicates noncompliance that constitutes a “finding.”

**Instructions:** This Addendum is to be used as a supplement to the following Chapter 6 Exhibits: *6-1: Guide for Review of Overall Management; 6-2: Guide for Review of Flood Zone and Floodway Buyouts and Non-Buyout Acquisition; 6-3: Review of New Construction of Housing; 6-4: Review of Infrastructure and Public Facilities; 6-5: Review of Economic Development; and 6-6: Review of Housing Rehabilitation and Reconstruction* to monitor activities carried out with CDBG-disaster recovery (CDBG-DR) funds awarded for major disasters that occurred in 2011-2013.

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**QUESTIONS**:

A. OVERALL MANAGEMENT (Supplement to 6-1)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | For grants under Public Law 112-55, is the grantee maintaining its public website in accordance with the *Federal Register* requirements to  (i) make the Action Plan, any substantial amendments, and all performance reports available to the public on its Web site and on request;   (ii) make the Action Plan, any substantial amendments, and all performance reports available in a form accessible to persons with disabilities and non-English-speaking persons; and  (iii) provide citizens, affected local governments, and other interested parties with reasonable and timely access to information and records relating to the Action Plan and to the grantee’s use of grant funds during the grant term?  [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | For grants under Public Law 113-2, is the grantee maintaining its public website in accordance with the statutory requirement to “maintain comprehensive websites regarding all disaster recovery activities assisted with these funds,” including the requirement that the grantee must make the following items available on its website:     * The Action Plan (including all amendments); * Each QPR (as created using the DRGR system); * Procurement policies and procedures; * Status of services or goods currently being procured by the grantee—e.g., phase of the procurement, requirements f or proposals, etc.; * A copy of contracts the grantee has procured directly; and * A summary of all procured contracts, including those procured by the grantee, recipients, or subrecipients?   **NOTE 1:** Grantees should post only those contracts subject to 24 CFR 85.36 or 2 CFR part 200, or subject to the State’s procurement policies. To assist grantees prepare this summary, HUD has developed a template. The template can be accessed at: <https://www.onecpd.info/cdbg-dr/>. Grantees are required to use this template, and attach updated version to DRGR each quarter as part of their QPR submissions. An updated summary must also be posted quarterly on each grantee’s website.  **NOTE 2:** The reviewer should look specifically at 78 FR 14329, as modified by 79 FR 40133, or as may be modified by other applicable *Federal Register* notice(s).  [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1. Is the grantee adhering to its information submitted to HUD and certified by the Secretary, in advance of signing its grant agreement, of its proficiency in financial controls and procurement procedures, procedures to prevent any duplication of benefits, ensure timely expenditure of funds, maintain comprehensive websites, and detect and prevent waste, fraud and abuse of funds?   **NOTE:** The grant terms of the award incorporate the grantee’s submissions including the certifications and assurances and any information or documentation required to meet any grant award conditions. For that reason, the grantee is required to comply with any mandates in its submissions to support HUD’s certifications. submitted in response to the March 5, 2013 notice.  [See applicable *Federal Register* notices and grant agreement] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Has the grantee notified the Department if it has updated its policies and procedures (e.g., financial controls, duplication of benefit procedures) referenced by its Certification Checklist and Revised Exhibit 3-18?   **NOTE:** Grantees are not expressly required to notify HUD of updates to their policies and procedures; however, HUD may review these new policies and procedures to determine whether the grantee has carried out its CDBG-DR activities and certifications in accordance with requirements of the March 5, 2013 Notice, or to determine whether the grantee has continuing capacity to carry out its activities in a timely manner. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- |
|  | Is the grantee: | |
| 1. Expending grant funds under Public Law 113-2 consistent with amounts its action plan set aside to address the unmet needs for rehabilitation, mitigation, and new construction needs of following types of housing affected by the disaster: public housing (including administrative offices), HUD-assisted housing (defined at subparagraph (1), above), McKinney-Vento funded shelters and housing for the homeless—including emergency shelters and transitional and permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program after working directly with the PHA in identifying necessary costs and ensuring that adequate funding is dedicated to addressing the unmet needs of damaged public housing? Are the grantee’s expenditures of funds set aside for this purpose consistent with the projection of expenditures from this set aside in its action plan?   **NOTE**: In its Action Plan, each grantee must set aside funding to address unmet needs of damaged public housing, and include projections of expenditures in its Action Plan for each quarter, and amend its action plan to reflect any revisions to these projections.  [78 FR 14334, 78 FR 69108, 78 FR 76157, and 79 FR 31969, as may be modified by other applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Projected to address the unmet public housing recovery needs identified in its Action Plan? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| Public Housing Authority/Other needs      Expenditures for Public Housing  Set-Aside ($)                                                 to date ($)  [Amount set-aside] | |
| **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Is the grantee projected to meet any expenditure deadline(s)?  [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| Expenditure Deadline(s) Amount ($) Deadline Expenditures (mm/dd/yy) to date ($) | |
| Initial Grant Agreement (Round #1) | |
| Amended Grant Agreement (Round #2)  Amended Grant Agreement (Round #3)  Amended Grant Agreement (Round #4)  Amended Grant Agreement (Round #5) | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1. Are the total administrative costs under the grant less than 5 percent?   [See applicable *Federal Register* notice(s) for citation] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Is the grant in compliance with the combined planning and general administrative costs at a maximum, 20% of the total grant?   [See applicable *Federal Register* notice(s) for citation] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee is a state, is the grantee in compliance with the aggregate total for general administrative and technical assistance expenditures, not to exceed 5% of the total grant?   [See applicable *Federal Register* notice(s) for citation] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |

# **B. DUPLICATION OF BENEFITS REVIEW**

APPLICABLE TO ALL CDBG-DR FUNDED ACTIVITIES REFERENCED BELOW

|  |  |  |
| --- | --- | --- |
|  | Does the grantee have adequate policies and procedures to ***prevent a duplication of benefit*** (DOB) by completing a check to see whether other sources of financial assistance may have been available for the same purpose?  **NOTE:** Failure to develop and maintain policies and procedures to adequately address duplication of benefits could lead to a violation of the requirement that the grantee have “established adequate procedures to prevent any duplication of benefits”, as required for grants under PL 113-2, or section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which requires HUD and its grantees to prevent the duplication of benefits. For more information on the duplication of benefits, see the guidance for 2011-2013 disasters in 76 FR 71066). | |
| Does the Grantee check for: | |
| 1. All insurance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Federal Emergency Management Agency (FEMA)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Small Business Administration? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. National Flood Insurance Program (NFIP) for flood related disasters? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Other federal, state or local funding? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Other nonprofit, private sector, or charitable funding? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Do the policies and procedures require all assisted households or entities to enter into a signed agreement (e.g., subrogation agreement) to repay any assistance (e.g., unexpected insurance payout) later received for the same purpose as the CDBG disaster recovery funds? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***duplication of benefits*** (DOB), do reviewed activity files document:  **NOTE:** For implementing guidance regarding DOB, see 76 FR 71060. | |
| 1. That the grantee reviewed all sources of financial assistance received by or available to the applicant for the same purpose (cost) as the CDBG-DR funds, and determined whether there is a DOB?   [Section 312 of the Stafford Act ] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If a DOB was found, that there was a reduction in the award amount?   [Section 312 of the Stafford Act] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** |  | |
| 1. That each applicant has signed a subrogation agreement or similar agreement governing recapture of assistance received from another source after the activity is completed?   [Section 312(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, applicable *Federal Register* notice(s), and applicable grant agreement ] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That if a DOB occurred after the award of CDBG-DR funds, funds were recaptured in accordance with the agreement and the grantee’s policies and procedures?   [Section 312 of the Stafford Act; applicable *Federal Register* notice(s), and applicable grant agreement ] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Do the policies and procedures require the grantee to review CDBG-DR assistance provided for the same costs that could have been paid with declined SBA assistance to ensure expenditures are for “necessary costs” of recovery and necessary and reasonable costs?  **NOTE:** for more information on what HUD determines to be reasonable with regard to assistance that replaces declined SBA loans for applicants assisted after July 25, 2013, see *HUD Guidance on Duplication of Benefit Requirements and Provision of CDBG Disaster Recovery Assistance*, published July 25, 2013. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| The following questions may inform whether costs are necessary and reasonable costs of recovery: | |
| 1. Do the grantee’s procedures require identification of the circumstances under which applicants declined assistance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the grantee’s procedures help to establish why CDBG-DR assistance is necessary when assisting applicants that declined SBA assistance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the grantee’s procedures help the grantee determine the amount of CDGB-DR assistance that is necessary and reasonable to assist applicants in achieving recovery? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

**C.** **REVIEW OF FLOOD ZONE AND FLOODWAY BUYOUTS AND NON-BUYOUT ACQUISITIONS** (Supplement to 6-2)

## **BUYOUTS ONLY**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to “Buyouts,” do the policies and procedures reviewed demonstrate that the grantee does not “buyout” properties that, as of the date of the disaster or following the disaster, served as second homes?  **NOTE**: The definition of “second homes” uses the IRS definition found in IRS Publication 936 (mortgage interest deductions). | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to “Buyouts,” do activity files reviewed demonstrate that the grantee has not funded properties that, as of the date of the disaster or following the disaster, served as second homes?  **NOTE:** The definition of “second homes” uses the IRS definition found in IRS Publication 936 (mortgage interest deductions).  [Applicable to grants under 113-12 only; *Federal Register* notice published March 5, 2013 (78 FR 14345)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**D. REVIEW OF NEW CONSTRUCTION OF HOUSING** (Supplement to 6-3)

|  |  |  |
| --- | --- | --- |
|  | Regarding ***activities in floodplains,*** do the policies and procedures:  **NOTE**: If any of the answers below is “no,” the reviewer should consult with its regional HUD Environmental Officer to determine the need for a program review and/or monitoring. | |
| 1. Require new housing construction to be designed to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require new housing to be designed using the base flood elevation, determined in accordance with the best available data, plus one foot (or higher elevation if required by locally adopted code or standard) as the baseline standard for elevation? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require new housing to be elevated at least one foot higher than the latest FEMA-issued base flood elevation (except where the housing is in a mixed-use development)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require a new mixed-use development to be floodproofed according to the latest FEMA guidance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- |
|  | Regarding ***activities in floodplains* for grants under Pub. L. 113-2 ONLY*,*** do the activity files document:  **NOTE**: If any of the answers below is “no,” the reviewer should consult with its regional HUD Environmental Officer to determine the need for a program review and/or additional monitoring. | |
| 1. That new housing is elevated at least one foot higher than the latest FEMA-issued base flood elevation?   **NOTE**: If the new housing activity is a mixed-use development, the reviewer should select “N/A” and answer #.b.  [Applicable *Federal Register* notice published April 19, 2013 (78 FR 23579)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That a new mixed-use development is floodproofed according to the latest FEMA guidance?   [Applicable *Federal Register* notice published April 19, 2013 (78 FR 23579)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**E. REVIEW OF INFRASTRUCTURE AND PUBLIC FACILITIES** (Supplement to 6-4)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1. Does the program or activity include infrastructure projects funded under Public Law 113–2? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to 14.a is “yes,” is the reviewed activity labeled a *covered infrastructure project* in the Action Plan, as defined by the *Federal Register* notices published November 18, 2013 and June 3, 2014, and thus approved by HUD? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the project is not identified as a “covered project,” does the documentation in the grantee’s project file support a determination that the project falls outside the “covered project” definition in the *Federal Register* notices published November 18, 2013 and June 3, 2014? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- |
|  | If the answers to question 15.a and 15.b above is “yes,” in regard to *infrastructure requirements* pursuant Public Law 113-2, do the policies andprocedures describe or incorporate the following requirements:  **NOTE:** These requirements apply to infrastructure projects financed under Public Law 113-2, following the publication of the November 18, 2013 *Federal Register* notice (78 FR 69104) and June 3, 2014 *Federal Register* notice (79 FR 31964). Please carefully review these notices, the notice published March 27, 2014 (79 FR 17173), and any other applicable *Federal Register* for guidance on which infrastructure projects are bound by these requirements. | |
| 1. Application of the comprehensive risk analysis it described in its Action Plan to select, prioritize, implement, and maintain infrastructure projects? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Implementation of resilience performance standards for each infrastructure project financed with CDBG-DR funds? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Use of the process outlined in the approved Action Plan or substantial amendment for the design and selection of green infrastructure projects and/or how selected projects will incorporate green infrastructure components? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Use of the transparent and inclusive decision process for the selection of *covered infrastructure projects* described in the Action Plan? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Implementation of plans to monitor and evaluate the efficacy and sustainability of *covered infrastructure projects* as described in the amended approved Action Plan? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains,*** do the policies and procedures:  **NOTE**: If any of the answers below is “no,” the reviewer should consult with its regional HUD Environmental Officer to determine the need for a program review and/or monitoring. | |
| 1. Require all nonresidential structures receiving assistance for substantial improvements that are not critical actions (as defined at 24 CFR 55.2(b)(2)) to be: 2. elevated one foot higher than the latest FEMA-issued base flood elevation (or higher elevation if required by locally adopted code or standard)?   **OR**   1. designed and constructed such that below the flood level, the structure is floodproofed using the base flood elevation (determined in accordance with the best available data) plus one foot?   **NOTE**: Floodproofing requires structures to be water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic loads, hydrodynamic loads, the effects of buoyancy or higher standards required by the FEMA National Flood Insurance Program as well as state and locally adopted codes. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require a structure (i.e. walled or roofed buildings, including mobile homes and gas or liquid storage tanks) or facility under a critical action (as defined at 24 CFR 55.2(b)(3)) to be: 2. elevated one foot higher than the latest FEMA-issued base flood elevation?   **OR**   1. designed and constructed such that below the flood level, the structure is floodproofed using the base flood elevation, determined in accordance with the best available data, plus one foot?   **NOTE**: Critical actions include activities that create, maintain or extend the useful life of structures or facilities that store flammable or toxic materials or vital records, provide utility or emergency services, or are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during hazardous flood scenarios. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require activities to be designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
|  | **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1. Do the activity files document that new construction or structures receiving assistance for substantial improvements that are not critical actions (as defined at 24 CFR 55.2(b)(2)) are: 2. elevated one foot higher than the latest FEMA-issued base flood elevation (or higher elevation if required by locally adopted code or standard)?   **OR**   1. designed and constructed such that below the flood level, the structure is floodproofed using the base flood elevation, determined in accordance with the best available data, plus one foot?   **NOTE**: Floodproofing requires structures to be water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic loads, hydrodynamic loads, the effects of buoyancy or higher standards required by the FEMA National Flood Insurance Program as well as state and locally adopted codes.  [78 FR 23579; Applicable to grants under Public Law 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Does the activity assist any building used for the general conduct of government?  **NOTE:** Per the Housing and Community Development Act of 1974 (see 42 USC §5305(a)), buildings for the general conduct of government are ineligible for community development funding, unless the restriction is waived in the applicable *Federal Register* notices(s). If the restriction is waived, reviewer is to cite the applicable *Federal Register* notice(s).  [42 USC §5305(a)(2)&(14); See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**F. REVIEW OF ECONOMIC DEVELOPMENT** (Supplement to 6-5)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Does the grantee prohibit the use of assistance to private utilities?  **NOTE:** Some grantees may have a waiver and alternative requirement for this prohibition. Check applicable *Federal Register* notices.  [78 FR 69108; Applicable to grants under Public Law 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to requirements on ***assistance to for-profit businesses***, as applicable, do the policies and procedures require: | |
| 1. Assistance to be limited to small businesses? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. No assistance to be provided to a small business in the liquid fuel supply chain without an award agreement that requires the business to adopt measures to mitigate the impacts to the liquid fuel supply chain during future disasters? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to requirements on ***assistance to for-profit businesses***, as applicable, do the reviewed activity files document the following: | |
| 1. Assistance is limited to small businesses?   [78 FR 14347] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. No assistance to be provided to a small business in the liquid fuel supply chain without an award agreement that requires the business to adopt measures to mitigate the impacts to the liquid fuel supply chain during future disasters?   [78 FR 69108] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1. Does the grantee’s policies and procedures **clearly prohibit** the use of CDBG-DR funds to assist private utilities, unless a waiver has been requested and approved by HUD? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the activity files document that the grantee **clearly prohibits** the use of CDBG-DR funds to assist private utilities, unless a waiver has been requested and approved by HUD   [78 FR 14335] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains,*** do the policies and procedures:  **NOTE**: If any of the answers below is “no,” the reviewer should consult with its regional HUD Environmental Officer to determine the need for a program review and/or monitoring. | |
| 1. Require activities to be designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require a mixed-use development to be floodproofed according to the latest FEMA guidance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require all non-residential structures that are not critical actions (as defined at 24 CFR 55.2(b)(2)) to be: 2. Elevated one foot higher than the latest FEMA-issued base flood elevation (or higher elevation if required by locally adopted code or standard)?   **OR**   1. Designed and constructed such that below the flood level, the structure is flood-proofed using the base flood elevation (determined in accordance with the best available data) plus one foot?   **NOTE:** Floodproofing requires structures to be water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydro-static loads, hydrodynamic loads, the effects of buoyancy or higher standards required by the FEMA National Flood Insurance Program as well as state and locally adopted codes. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains,*** do the activity files document:  **NOTE**: If any of the answers below is “no,” the reviewer should consult with its regional HUD Environmental Officer to determine the need for a program review and/or monitoring. | |
| 1. That a mixed-use development is floodproofed according to the latest FEMA guidance?   [Applicable to grants under Pub. L. 113-2 only; Applicable *Federal Register* notice published April 19, 2013 (78 FR 23579)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That all new construction or substantially improved non-residential structures that are not critical actions (as defined at 24 CFR 55.2(b)(2)) are: 2. Elevated one foot higher than the latest FEMA-issued base flood elevation (or higher elevation if required by locally adopted code or standard)?   **OR**   1. Designed and constructed such that below the flood level, the structure is floodproofed using the base flood elevation, determined in accordance with the best available data, plus one foot?   **NOTE**: Floodproofing requires structures to be water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic loads, hydrodynamic loads, the effects of buoyancy or higher standards required by the FEMA National Flood Insurance Program as well as state and locally adopted codes.  [78 FR 23579; Applicable to grants under Public Law 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**G**. **REVIEW OF HOUSING REHABILITATION AND RECONSTRUCTION**

(Supplement to 6-6)

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains***, do the policies and procedures:  **NOTE**: If any of the answers below is “no,” the reviewer should consult with its regional HUD Environmental Officer to determine the need for a program review and/or monitoring. | |
| 1. Require activities to be designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require housing receiving assistance for substantial improvements (that is not part of a mixed-use development) to be designed using the base flood elevation, determined in accordance with the best available data, plus one foot as the baseline standard for elevation (or higher elevation if required by locally adopted code or standard)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require housing receiving assistance for substantial improvements (that is not part of a mixed-use development) to be elevated at least one foot higher than the latest FEMA-issued base flood elevation? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require a mixed-use development receiving assistance for substantial improvements to be floodproofed according to the latest FEMA guidance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | For grants under Public Law 113-2, in regard to ***activities in floodplains,*** do the activity files document: | |
| 1. That housing receiving assistance for substantial improvements (that is not a mixed-use development) is elevated at least one foot higher than the latest FEMA-issued base flood elevation?   **NOTE**: If the housing activity is in a mixed-use development, reviewer should select “N/A” and answer question b. below.  [Applicable *Federal Register* notice published April 19, 2013 (78 FR 23579)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That a mixed-use development receiving assistance for substantial improvements is floodproofed according to the latest FEMA guidance?   [Applicable *Federal Register* notice published April 19, 2013 (78 FR 23579)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Do the policies and procedures prohibit the grantee from providing assistance to properties that are second homes as defined in IRS Publication 936 (mortgage interest deductions) at the time of the disaster, or following the disaster, from receiving assistance for rehabilitation, residential incentives, or to participating in a CDBG–DR buyout program? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 29. | Do the activity files document that the grantee **has not funded** a property that is a second home?  NOTE: For these grants, a “second home” is defined in IRS Publication 936 (mortgage interest deductions) and applies to homes at the time of the disaster, or following the disaster, and prohibits the property from receiving assistance for rehabilitation, residential incentives, or to participating in a CDBG–DR buyout program.  [Applicable to grants under 113-12 only; See *Federal Register* notice published March 5, 2013 (78 FR 14345)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**H. REVIEW OF WRITTEN AGREEMENTS** (Supplement to Exhibit 6-7)

No supplemental questions to Exhibit 6-7

**I. REVIEW OF PROCUREMENT** (Supplement to Exhibit 6-8)

No supplemental questions to Exhibit 6-8

**J. REVIEW OF FINANCIAL MANAGEMENT** (Supplement to Exhibit 34-1 and 34-2)

Supplemental questions to Exhibit 34-1 and 34-2 for disaster recovery can be found in Exhibit 34-1a and Exhibit 34-2a.