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| **Addendum Guide for Review of CDBG-DR 2017, 2018, and 2019 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;* *6-6: Review of Housing Rehabilitation and Reconstruction; and 6-8: Review of Procurement* to monitor activities carried out with CDBG-disaster recovery (CDBG-DR) funds.

Section B is to be used in reviewing Duplication of Benefits requirements for 2017 Disasters. Section C is to be used in reviewing Duplication of Benefits requirements for 2017, 2018, and/or 2019 Disasters. Per the *Federal Register* notice(s) issued by the Department, CDBG-DR state grantees are provided a waiver and alternative requirement that allows them to carry out activities directly or through a subrecipient.

This Addendum addresses additional monitoring criteria to include CDBG-DR funds for disasters occurring in 2018 and 2019. Funds for 2018 and 2019 disasters are announced by the *Federal Register* notice published on January 27, 2020 at 85 FR 4681 (the “January 2020 Notice”). The January 2020 notice makes waivers and alternative requirements listed in other *Federal Register* notices applicable to CDBG-DR funds for 2018 and 2019 disasters. The January 2020 Notice also adds the regulations that apply to units of general local government (85 FR 4685).

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**QUESTIONS**:

**A. OVERALL MANAGEMENT** (Supplement to Exhibit 6-1)

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| --- | --- | --- |
|  | In accordance with the requirement for website management: | |
| 1. Does the grantee have and maintain a public website?   [83 FR 5860, 83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. Does the grantee have procedures indicating that the grantee will maintain a separate page dedicated to its disaster recovery that will contain links to all action plans, action plan amendments, CDBG–DR program policies and procedures, performance reports, citizen participation requirements, and activity/ program information for activities described in its action plan, including details of all contracts and ongoing procurement policies?   [83 FR 5854] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Does the grantee make program information available in a form accessible to persons with disabilities and those with limited English proficiency either via its disaster recovery website or an alternative method?   [83 FR 5854, 83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Does the grantee have procedures indicating the frequency of website updates and which personnel or unit is responsible for the task? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Does the grantee post their QPRs to their official website following the frequency required?   **NOTE:** Within 3 days of submission to HUD, each QPR must be posted on the grantee’s official website. In the event the QPR is rejected by HUD, the grantee must post the revised version, as approved by HUD, within 3 days of HUD approval.  [83 FR 5853, 83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  | Does the grantee’s public website include: | |
| 1. Information accounting for how all grant funds are used and managed/administered?   [83 FR 5860, 83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Links to all action plans, action plan amendments, the current approved DRGR action plan, each QPR (as created using the DRGR system), citizen participation requirements, procurement policies and procedures, description of services or goods currently being procured by the grantee, 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 (e.g., a summary list of procurements, the phase of the procurement, requirements for proposals, and any liquidation of damages associated with a contractor’s failure or inability to implement the contract, etc.)?   [83 FR 5860, 83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Details of all contracts and ongoing procurement policies, including status of services or goods currently being procured by the grantee, recipients, or subrecipients (e.g., phase of the procurement, requirements for proposals)?   [83 FR 5860, 83 FR 40317, and 85 FR 4682] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Executed CDBG–DR contracts, including a copy of contracts the grantee has procured directly, and a summary of all contracts procured by the grantee, recipient, or subrecipients? (e.g., a summary list of procurements, the phase of the procurement, requirements for proposals, and any liquidation of damages associated with a contractor’s failure or inability to implement the contract, etc.)   **NOTE:** Grantees should post only those contracts subject to 2 CFR 200.22 or in accordance with the State’s procurement policies.  [83 FR 5860, 83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  | Has the grantee developed policies and procedures specific to its CDBG-DR programs and key recovery operations?  **NOTE:** Generally, the key recovery operations and programs that require published policies and procedures are those that are expressly identified by applicable *Federal Register* notices (e.g., duplication of benefits, procurement, timely expenditures, maintaining a website, etc.).  [83 FR 5846] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |

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|  | The grantee is adhering to its policies and procedures that were originally submitted to HUD for the grantee’s pre-award certifications (e.g., certification of proficient controls, processes, and procedures) or the policies and procedures, as amended by the grantee in accordance with applicable *Federal Register* notices?  **NOTE:** The answers to questions 4.a. and 4.b. below must be “Yes” or “N/A” for the reviewer to select “Yes” here, even if the grantee is adhering to its policies and procedures (as originally submitted or amended). | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee amended any of the policies and procedures originally submitted to HUD for the grantee’s pre-award certifications (e.g., certification of proficient controls, processes, and procedures) before June 27, 2022, did the grantee obtain HUD’s approval (if required by the applicable *Federal Register* notice) of the amended policies and procedures?   **NOTE:** The requirement to seek HUD’s approval to amend policies and procedures was amended by HUD in a *Federal Register* notice published June 21, 2022 at 87 FR 36869, 36873, which became effective June 27, 2022. If the grantee did not amend any of its supporting documentation, including its policies and procedures, after signing the grant agreement, the reviewer must check “N/A”.  [83 FR 5846, 85 FR 4686, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. On or after June 27, 2022, did the grantee notify HUD of any substantial changes made to the supporting documentation submitted to support the Secretary’s certification and retain and identify any updates to the supporting documentation in its files, together with any dates of applicability, so that the reviewer is able to determine which policies and procedures were in effect at any point in time?   **NOTE:** If the grantee did not change any of its supporting documentation, including its policies and procedures, after signing the grant agreement, the reviewer must check “N/A”.  [87 FR 36873] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  | 1. Is the grantee in compliance with the 5% cap on administrative costs, plus 5% of program income?   [83 FR 5855, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Is the grantee in compliance with the limit to spending a maximum of 15% of its total grant amount on planning costs?   [83 FR 5855, 85 FR 468, and 86 FR 5702] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Is the grantee in compliance with the aggregate total for general administrative and technical assistance expenditures, not to exceed 5% of the total grant?   [83 FR 5855, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are designated Administrative funds being used across multiple disaster recovery grants, including the CDBG-MIT grant?   **NOTE:** If the answer is “yes,” the reviewer should answer the sub-questions below.  **NOTE:** Public Law 116-20 authorizes special treatment of grant administrative funds for grantees that received awards under certain CDBG–DR grants. Grantees that received awards under Public Laws 114–113, 114–223, 114–254, 115–31, 115–56, 115–123, and 115–254, or any future act may use eligible administrative funds (up to 5 percent of each grant award plus up to 5 percent of program income generated by the grant) appropriated by these acts for the cost of administering any of these grants without regard to the particular disaster appropriation from which such funds originated. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Has the grantee instituted policies and procedures to ensure that it will not incur more administrative expenses than are allowable for each CDBG-DR (including CDBG-MIT) grant?   [85 FR 4686 and 86 FR 574] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Demonstrated it has appropriate financial controls to ensure the amounts of grant administration expenditures for each of the aforementioned grants will not exceed 5 percent of the total grant award (plus 5 percent of program income)?   [85 FR 4686 and 86 FR 574] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Reviewed and modified its financial management policies and procedures regarding tracking and accounting of administrative costs, as necessary?   [85 FR 4686 and 86 FR 5704] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Addressed the adoption of this treatment of administrative costs in its applicable portions of its Financial Management and Grant Compliance submission?   [85 FR 4686 and 86 FR 574] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**B. DUPLICATION OF BENEFITS REQUIREMENTS** (Applicable to all CDBG-DR Activities funded before June 25, 2019 )

On June 20, 2019, the Department released a notice for updated Duplication of Benefits (DOB) requirements (“2019 DOB Notice”) and a related implementation notice (“DOB Implementation Notice”) in the *Federal Register*. Under these notices, for all payments made after June 25, 2019 (the applicability date of the notices), grantees shall not treat declined subsidized loans (including declined SBA loans) as a DOB for all disasters that occurred during 2015-2021. If a grantee’s policies and procedures after June 25, 2019 treated declined subsidized loans as a DOB, the grantee **must** have updated its policies and procedures.

As of June 25, 2019, grants for 2017, 2018, and 2019 disasters are subject to the DOB provision in section 312 of the Stafford Act, as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (DRRA) (division D of Pub. L. 115–254), and the related provisions of the 2019 DOB Notice (section V.B.2.(iii) of the 2019 DOB Notice). The *Federal Register* notices applicable to 2017, 2018, and 2019 disaster grantees require that to be adequate, a grantee’s policies and procedures must reflect the requirements of the 2019 DOB Notice, including requirements related to the treatment of loans under the DRRA and treatment of declined subsidized loans.

The 2019 DOB Notice supersedes the notice, ’’Clarification to Duplication of Benefits Requirements Under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees,’’ published in the *Federal Register* on November 16, 2011 (76 FR 71060) (“2011 DOB Notice”) for any new activities submitted to HUD in an action plan or action plan amendment on or after June 25, 2019 (other than the provisions related to the treatment of declined subsidized loans and DRRA which apply as described above). For existing activities as of June 25, 2019, the 2019 DOB Notice supersedes the 2011 DOB Notice to the extent that the grantee amends its action plan or policies and procedures to change its treatment of loans in accordance with the 2019 DOB Notice. The new requirement related to declined loans applies to payments after June 25, 2019, for activities subject to either the 2011 and 2019 DOB Notices.

Section B is to be used in reviewing Duplication of Benefits requirements for 2017 Disasters. Section C is to be used in reviewing Duplication of Benefits requirements for 2017, 2018, and/or 2019 Disasters. Per the *Federal Register* notice(s) issued by the Department, CDBG-DR state grantees are provided a waiver and alternative requirement that allows them to carry out activities directly or through a subrecipient. For 2017 disaster grants, any new activities in the grantee’s Action Plan after June 25, 2019 or for activities that the grantee has retroactivity applied these new requirements should be reviewed using **Sections C and D below**. For 2017 disaster grants, existing activities included in earlier action plans prior to June 25, 2019 where the new requirements are not applied to those existing activities, **Section B should be used**.

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|  | Does the grantee have adequate policies and procedures to ***prevent a duplication of benefit*** (DOB)?  **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 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 2011 DOB Notice, 2019 DOB Notice, and DOB Implementation Notice. | |
| Generally, for adequacy, 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: |  |
|  | 1. 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, if total assistance received exceeds total need? | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. Establish a method to monitor each applicant’s compliance with the agreement for a reasonable period after project completion (i.e., a time period commensurate with risk)? | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| **Describe Basis for Conclusion:** | |
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|  | In regard to ***duplication of benefits*** (DOB), do reviewed activity files document: | |
| 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; 85 FR 4686; 86 FR 570; 76 FR 71060: 84 FR 28839; 84 FR 28848] | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. If a DOB was found, that there was a reduction in the award amount?   [Section 312 of the Stafford Act; 85 FR 4686; 86 FR 570; 76 FR 71060; 84 FR 28839; 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **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? | |  |  |  | | --- | --- | --- | |  |  |  | | **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; 85 FR 4686; 86 FR 570; 76 FR 71060; 84 FR 28839; 84 FR 28848] | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| **Describe Basis for Conclusion:** | |
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|  | If the grantee’s policies and procedures previously considered declined loans before June 25, 2019, did the grantee amend its policies and procedures to eliminate declined loans as a duplication after June 25, 2019? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
|  | **Describe Basis for Conclusion:** | |

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|  | Do the reviewed activity files document the grantee’s signed agreements between  itself and beneficiaries include the following language: “Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729”?  [83 FR 5848] | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| **Describe Basis for Conclusion:** | |
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**C. DUPLICATION OF BENEFITS REQUIREMENTS** (Applicable to all CDBG-DR Activities Subject to the June 20, 2019 Notice)

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|  | Does the grantee have adequate policies and procedures to ***prevent a duplication of benefit*** (DOB)?  **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 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 2011 DOB Notice, 2019 DOB Notice, and DOB Implementation Notice. | |
| Generally, for adequacy, 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: |  |
|  | 1. 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, if total assistance received exceeds total need? | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. Establish a method to monitor each applicant’s compliance with the agreement for a reasonable period after project completion (i.e., a time period commensurate with risk)? | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| **Describe Basis for Conclusion:** | |
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|  | For 2017 disaster grants, if the grantee’s policies and procedures previously considered declined loans before June 25, 2019, did the grantee amend its policies and procedures to eliminate declined loans as a duplication after June 25, 2019?  [85 FR 4686; 84 FR 28842] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
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|  | Do the reviewed activity files documents: | |
| 1. The grantee’s signed agreements between itself and beneficiaries include the following language: “Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729”?   [83 FR 5848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
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|  | In regard to ***duplication of benefits*** (DOB) for activities subject to 2019 DOB Notice, do reviewed activity files document the following requirements: | |
| 1. The grantee determined an applicant’s total need and identified total assistance (all reasonably identifiable financial assistance received by/available to an applicant)?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Sources of assistance, identified in a. above, that are determined to be non-duplicative were excluded from the DOB calculation and the grantee’s records document the basis for the exclusion?   **NOTE:** Non-duplicative means amounts that are either 1.) provided for a different purpose (e.g., for a rehab activity, insurance proceeds for loss of buildings (such as a detached garage) that grantee’s program does not assist); or 2.) assistance provided for the same purpose but different allowable use (e.g., the purpose is housing rehabilitation, the use of the other assistance was roof replacement and the use of the CDBG–DR assistance is rehabilitation of the interior of the house).  [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the applicant had a declined loan, the grantee did not treat declined subsidized loans (e.g., SBA or FEMA subsidized loans) as a duplication of assistance?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If data available to the grantee show that the applicant received an offer of subsidized loan assistance, but the grantee could not tell from available data that the applicant declined the loan, before excluding the loan as non-duplicative, the grantee obtained a written certification from the applicant that the applicant did not accept the subsidized loan by signing loan documents and did not receive the loan?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the applicant had a cancelled subsidized loan that was excluded as non-duplicative, does the applicant’s file include documentation described in either (a) or (b) below?   Documentation to prove a loan amount was cancelled includes: (a) A written communication from the lender confirming that the loan has been cancelled and undisbursed amounts are no longer available to the applicant; or (b) a legally binding agreement between the CDBG–DR grantee (or local government or subrecipient administering the CDBG–DR assistance) and the applicant that indicates that the period of availability of the loan has passed and the applicant agrees not to take actions to reinstate the loan or draw any additional undisbursed loan amounts.  [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the applicant had a cancelled subsidized loan that was excluded as non-duplicative, the grantee notified the SBA that an applicant had agreed to not take any actions to reinstate the cancelled loan or draw any additional undisbursed loan amounts?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The grantee subtracted exclusions from total assistance to determine the amount of the DOB?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If a DOB was found, the grantee subtracted the amount of the DOB from the amount of the total need to determine the maximum amount of the CDBG–DR award (subject to any caps)?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 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?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If a DOB occurred after the award of CDBG-DR funds, were funds recaptured in accordance with the subrogation agreement or similar agreement and the grantee’s policies and procedures?   [85 FR 4686; 86 FR 570; 84 FR 28836 and 84 FR 28848] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

**D. DUPLICATION OF BENEFITS REQUIREMENTS** (Applicable to all CDBG-DR Activities Subject to the Disaster Recovery Reform Act (DRRA))

The DRRA changed how subsidized loans are to be treated when completing a duplication of benefits analysis. When the conditions of DRRA and related provisions of the 2019 DOB Notice are met, a grantee is not required to treat a subsidized loan as a duplication of benefits and may exclude a subsidized loan from a DOB analysis.

In addition, grantees that received CDBG–DR grants in response to DRRA Qualifying Disasters (disasters declared during 2016-2021) may use CDBG–DR funds to reimburse individuals and businesses (other than the grantee or subrecipients) for eligible costs of CDBG–DR eligible activities that were paid with subsidized loans, subject to the reimbursement requirements that apply to the grant and if all loan amounts were used towards a loss suffered as a result of a major disaster or emergency.

For any activities in the grantee’s Action Plan subject to the DRRA, the reviewer should use **Section D below.**

|  |  |  |
| --- | --- | --- |
|  | If the grantee applied the DRRA exception to exclude the loan from financial assistance considered in the DOB calculation, the reviewer must ask the following questions to determine compliance with requirements for subsidized loans that meet the statutory exception under the DRRA amendments to the Stafford Act. Some of these questions address DRRA exceptions for undisbursed subsidized loan amounts (i.e., undisbursed SBA loans), and some questions address use of CDBG-DR to reimburse costs paid by subsidized loans.  The reviewer should answer yes or no for relevant questions, and select “N/A” for questions that do not apply. | |
| 1. Does the subsidized loan meet the requirements for a statutory exception under the Stafford Act (i.e., for a major disaster declared between January 1, 2016 and December 31, 2021, or “DRRA Qualifying Disasters”), and the exclusion in the DOB analysis was applied before October 5, 2023?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee revised its award to the applicant to make a CDBG-DR grant up to the amount of the undisbursed subsidized loan amount as a result of the DRRA amendments and requirements in the 2019 DOB Notice, was the revised award based on a revised DOB analysis that excludes accepted but undisbursed loan amounts from total assistance when calculating the maximum CDBG–DR award?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee is providing additional CDBG-DR assistance consistent with 16.b. (above) up to the amount of the undisbursed subsidized loan, has the grantee notified the lender and obtained a written agreement from the applicant that the applicant will not make additional draws from the subsidized loan without the grantee’s approval?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee is providing additional CDBG-DR assistance consistent with 16.b. (above) up to the amount of the undisbursed subsidized loan, and f the applicant subsequently draws additional subsidized loan amounts after receiving additional CDBG-DR assistance, do the grantee’s files show that it reviewed and approved the applicant’s subsequent draws to determine whether all Federal assistance was used toward a loss suffered as a result of a major disaster or emergency, as required by the DRRA?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee is provided additional CDBG-DR assistance consistent with 16.b. (above) up to the amount of the undisbursed subsidized loan, was the additional CDBG-DR assistance consistent with the grantee’s approved CDBG-DR action plan, as amended?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee used CDBG–DR for Reimbursement of Costs Paid by Subsidized Loans Following DRRA Qualifying Disasters, do reviewed activity files document that all federal assistance (including CDBG–DR and subsidized loan assistance) is used toward a loss suffered as a result of the major disaster or emergency?     **NOTE:** The 2019 DOB Notice and DOB Implementation Notice explain that if the subsidized loan is used to carry out a CDBG–DR eligible activity that addresses a loss suffered as a result of a major disaster or emergency, HUD considers reimbursement of eligible costs paid with that loan to be used toward a loss suffered as a result of the major disaster or emergency. Under the terms of the DRRA amendments to the Stafford Act, if a federal loan is used for a purpose other than disaster losses, the subsidized loan still duplicates other sources provided for the same purpose.    [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to question 16.f. is yes and the grantee used CDBG–DR funds for Reimbursement of Costs Paid by Subsidized Loans Following DRRA Qualifying Disasters, did the use of the funds comply with all grant requirements for reimbursement of costs, which are imposed by *Federal Register* notices that govern CDBG–DR grants?   **NOTE:** Applicable Federal Regsiter notices generally incorporate the requirements for reimbursement in CPD Notice 15-07. A finding based on failure to comply with these requirements should cite to the Applicable *Federal Register* notice.  [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687 and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee used CDBG–DR for Reimbursement of Costs Paid by Subsidized Loans Following DRRA Qualifying Disasters after the grantee received the applicant’s application and completed an initial DOB analysis, the grantee completed a revised DOB analysis that updated the applicant’s unmet needs and assistance from all sources, and excludes subsidized loans used for disaster losses and other nonduplicative assistance from the total assistance to calculate the revised DOB amount?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee used CDBG–DR for Reimbursement of Costs Paid by Subsidized Loans Following DRRA Qualifying Disasters, was the reimbursed cost for an activity that was a CDBG–DR eligible activity on June 25, 2019?   **NOTE:** Grantees are prohibited from reimbursing costs that are not otherwise eligible for CDBG–DR assistance, such as compensation for personal property loss or late fees. Payment of interest is not generally an eligible activity, but if permitted by an applicable *Federal Register* notice granting a waiver, grantees may pay interest due at the time of reimbursement for eligible activities (e.g., interest incurred by the applicant for the portion of an SBA loan used for a CDBG–DR eligible activity).  [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee reimbursed costs paid by SBA loans, SBA was notified and received a joint payment between the applicant and SBA?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee reimbursed costs paid by subsidized loans, the grantee advised the applicant (either collectively or individually) that submitting an application for CDBG–DR reimbursement assistance does not relieve the applicant of a duty to make payments on a subsidized loan, and that until a subsidized loan is satisfied in full, failure to make principal and interest payments when due could result in a referral to collection agencies, reporting to credit bureaus, or other significant consequences?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee reimburses costs paid with SBA loans, the grantee’s action plan (as amended by any substantial action plan amendments) describes the activity and meets the following requirements: |  |
| * 1. The needs analysis in the action plan includes an updated unmet housing needs assessment that reflects the remaining total number of housing units with damage? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| * 1. The action plan identifies the number of eligible households that remain to be served who have applied for the grantee’s CDBG-DR housing assistance programs and identifies how the grantee shall address all remaining unmet needs of its applicants for housing assistance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| * 1. The action plan shows that it will reimburse costs paid with subsidized loans to LMI applicants before reimbursing applicants with incomes greater than 80% of AMI? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| * 1. The action plan shows that the total aggregate amount that the grantee designates for reimbursement of costs paid with subsidized loans to applicants with >80% AMI shall not reduce the overall LMI benefit of the grant? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| * 1. The grantee shall only reimburse costs paid with subsidized loans for applicants with incomes >120% AMI if HUD has granted a hardship exception? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee reimburses costs paid with SBA loans, the activity files show that the grantee reimbursed costs paid with subsidized loans for all LMI applicants before reimbursing applicants with incomes greater than 80%? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee submitted and was approved by HUD to use a hardship exception to reimburse applicants over 120% AMI, evidence that the hardship criteria was applied for any applicants over 120% AMI?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee submitted an action plan amendment to permit reimbursement of costs paid with subsidized loans, within one year of the action plan amendment, the grantee submitted to HUD an assessment and supporting data that provides: (1) The total amount of CDBG–DR funds used for the reimbursement of SBA and other subsidized loans; (2) the total number of households and the number of low-to moderate-income households that have been reimbursed; and (3) the SBA loan number and the FEMA Registrant ID of each individual household that was reimbursed for its SBA loan costs?   [84 FR 28836, 84 FR 28848, 85 FR 4682, 85 FR 4687, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | In regard to “Buyout” and “Real Property Acquisition,” do activity files reviewed demonstrate that the grantee has not funded properties that, at the time of the disaster or following the disaster served as second homes?  **NOTE:** Second homes are defined under this notice as a home that is not the primary residence of the owner, a tenant, or any occupants at the time of the storm or the time of application for assistance.  [83 FR 5850, 83 FR 5864, 85 FR 4682, 85 FR 4688, and 86 FR 570] | |  |  | | --- | --- | |  |  | | **Yes** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

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

|  |  |  |
| --- | --- | --- |
|  | In regard to *newly constructed single-family* structures made available to low or moderate-income homeowners, do the policies and procedures:  **NOTE:** The reviewer is encouraged to look at the clarification to affordability periods provided in the *Federal Register* notice published on January 27, 2020 at 85 FR 4681. | |
| 1. Require a minimum 5-year affordability period to be enforced on single-family housing newly constructed with CDBG-DR funds made available for affordable homeownership to low- and moderate income persons, with such procedures to include recorded deed restrictions, covenants, or other similar enforceable mechanisms? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require resale or recapture requirements for newly constructed single family housing?   **NOTE:** The resale and recapture provisions must clearly describe the terms of the resale and recapture provisions, the specific circumstances under which these provisions will be used, and how the provisions will be enforced. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to *newly constructed single-family* structures made available for affordable homeowners, does the action plan, substantial amendment, or reviewed activity files document: | |
| 1. A minimum 5-year affordability period enforceable (through a recorded deed restrictions, covenants, or other similar enforceable mechanisms) on single-family housing newly constructed with CDBG-DR funds made available for affordable homeownership to low- and moderate income persons?   [83 FR 40314, 83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Resale or recapture requirements for newly constructed single-family housing?   **NOTE:** The resale and recapture provisions must clearly describe the terms of the resale and recapture provisions, the specific circumstances under which these provisions will be used, and how the provisions will be enforced.  [83 FR 40314, 83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In accordance with standards for *broadband infrastructure* in housing do the policies and procedures: | |
| Require any new construction of a building with more than four rental units to include installation of broadband infrastructure, unless one of the following exceptions is documented: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. the location of the new construction made installation of broadband infrastructure infeasible?   **OR**   1. the cost of installing broadband infrastructure would result in a fundamental alteration in program or activity or cause an undue financial burden? |  |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to standards for *broadband infrastructure* in housing, did the reviewed activities document: | |
| That any new construction of a building with more than four rental units includes installation of broadband infrastructure, unless one of the following exceptions is documented:  **NOTE:** If the answer to a. is “no” then the reviewer must make a Finding unless either i, or ii is a “yes.” | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. the location of the new construction made installation of broadband infrastructure infeasible?   **OR**   1. the cost of installing broadband infrastructure would result in a fundamental alteration in program or activity or cause an undue financial burden?   [83 FR 5862, 85 FR 4682, and 86 FR 570] |  |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In accordance with the requirements to address unmet *affordable rental housing* needs, does the action plan, substantial amendment, or reviewed activity files document: | |
| 1. A minimum period of affordability of 20 years on new construction of multi-family rental projects with five or more units?   [83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The affordability period was recorded with use restrictions, covenants, deed restrictions, or other mechanisms to ensure that rental housing remains affordable for the required time?   [83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The income limits for tenants of rental housing that is rehabilitated, reconstructed or constructed with CDBG-DR funds?   [83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | The *Federal Register* notice published August 14, 2018 requires grantees to include a description of the grantee’s controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction. The description must address controls for housing projects involving eight or more units (whether new construction, rehabilitation, or reconstruction), economic revitalization projects (involving construction, rehabilitation or reconstruction), and infrastructure projects. Additionally, HUD may issue guidance to grantees that may require a grantee to verify cost reasonableness from an independent and qualified third-party architect, civil engineer, or construction manager. Grantee’s cost verification procedures must be consistent with that guidance. | |
| For grants funded pursuant to Pub. Law 115-123, Pub. Law 115-254, and Pub. Law 116-20 (covering 2017, 2018, and 2019 disasters): | |
| 1. Is the grantee adhering to its cost verification procedures as published in its Action Plan?   [83 FR 5849, 83 FR 40314, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1)****,*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 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, 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 within a 100-year (or 1 percent annual chance) floodplain to be elevated with the lowest floor, including the basement, at least two feet above the base flood elevation?   **NOTE**: If the new housing activity is a mixed-use development, reviewer should select “N/A” and answer #.b. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require all new mixed-use structures with no dwelling units and no residents below two feet above base flood elevation, to be elevated up to at least two feet above base flood elevation or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require housing to follow applicable State, local, and tribal codes and standards for floodplain management requirements that exceed the elevation and floodproofing standards in questions a. and b. including elevation and setbacks requirements? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1)***, 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 new housing within a 100-year (or 1 percent annual chance) floodplain is elevated with the lowest floor, including the basement, at least two feet above the base flood elevation?   **NOTE**: If the new housing activity is a mixed-use development, reviewer should select “N/A” and answer 25.b.  [83 FR 5861, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That new mixed-use structures with no dwelling units and no residents below two feet above base flood elevation, are 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?   [83 FR 5861, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That new housing follows State, local, and tribal codes and standards for floodplain management requirements that exceed the elevation and floodproofing standards in questions a. and b. (as applicable), including elevation and setbacks, if applicable?   [83 FR 5861,85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to the use of the LMH national objective for rental housing, does the action plan provide:   1. a definition of ‘‘affordable rents”;   **AND**   1. the income limits for tenants of rental housing;   **AND**   1. a minimum affordability period?   [83 FR 5862, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**G. REVIEW OF INFRASTRUCTURE** (Supplement to Exhibit 6-4)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1. 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)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to *new construction activities,* did the activity file document: | |
| That CDBG-DR funds were only used to employ eminent domain for any Federal, State, or local projects with a public use, in accordance with the limitation in the notice?  **NOTE:** For purposes of this question, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport, highway, utility projects benefiting the general public and subject to regulation and oversight by the government and projects for the removal of an immediate threat to the public health and safety shall be considered a public use for purposes of eminent domain.    [83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In accordance with the Appropriations Acts, recipients of Federal funds that use such funds to supplement Federal assistance provided under sections 402, 403, 404, 406, 407, or 502 of the Stafford Act may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit that is required by the HCD Act. Appropriations Acts beginning with Pub. L. 115-123 also allow such adoption where recipients supplement Federal assistance provided under section 408(c)(4) of the Stafford Act. | |
| 1. If a grantee makes the decision to adopt another agency’s environmental review, has the grantee notified HUD in writing of its decision?   [83 FR 40319, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee has adopted another Federal Agency’s environmental review, does the grantee have a copy of the review in its environmental records?   [83 FR 40319, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee has adopted another Federal agency’s environmental review, does the environmental review cover all project activities funded by the HUD recipient? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | The *Federal Register* notice published August 14, 2018 requires grantees to include a description of the grantee’s controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction. The description must address controls for housing projects involving eight or more units (whether new construction, rehabilitation, or reconstruction), economic revitalization projects (involving construction, rehabilitation or reconstruction), and infrastructure projects. Additionally, HUD may issue guidance to grantees that may require a grantee to verify cost reasonableness from an independent and qualified third-party architect, civil engineer, or construction manager. Grantee’s cost verification procedures must be consistent with that guidance. | |
| For grants funded pursuant to Pub. Law 115-123 (covering 2017 disasters): | |
| 1. Is the grantee adhering to its cost verification procedures as published in its Action Plan?   [83 FR 40314, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1),*** 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 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, 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 nonresidential structures that are not Critical Actions (as defined at 24 CFR 55.2(b)(2)) to 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 the 100-year (or 1 percent annual chance) floodplain? | |  |  |  | | --- | --- | --- | |  |  |  | | **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 in the 500-year (or 0.2 percent annual chance) floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) to be elevated or floodproofed (in accordance with the FEMA standards) to the higher of the 500-year floodplain elevation or three feet above the 1 percent annual floodplain?   **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 a structure (i.e. walled or roofed buildings, including mobile homes and gas or liquid storage tanks) or facility in the 100-year floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) to be elevated or floodproofed at least three feet above the 100-year floodplain elevation when the 500-year floodplain or elevation is unavailable and the Critical Action is in the 100-year floodplain? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require structures to follow State, local, and tribal codes and standards for floodplain management that exceed the requirements in a., b., and c., including elevation, setbacks, and cumulative substantial damage requirements, if applicable? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** |  |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1),*** 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 nonresidential structures that are not Critical Actions (as defined at 24 CFR 55.2(b)(2)) is 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 the 100-year (or 1 percent annual chance) floodplain?   [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That a structure (i.e. walled or roofed buildings, including mobile homes and gas or liquid storage tanks) or facility in the 500-year (or 0.2 percent annual chance) floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) is elevated or floodproofed (in accordance with the FEMA standards) to the higher of the 500-year floodplain elevation or three feet above the 1 percent annual floodplain?   **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.  [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That a structure (i.e. walled or roofed buildings, including mobile homes and gas or liquid storage tanks) or facility in the 100-year floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) is elevated or floodproofed at least three feet above the 100-year floodplain elevation when the 500-year floodplain or elevation is unavailable and the Critical Action is in the 100-year floodplain?   [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That structures follow State, local, and tribal codes and standards for floodplain management requirements that exceed the elevation and floodproofing standards in questions a. and b., including elevation, setbacks, and cumulative substantial damage requirements, if applicable?   [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

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

|  |  |  |
| --- | --- | --- |
|  | Do the economic development policies and procedures require the grantee to comply with the clarification on *working capital* business assistance including: |  |
|  | 1. Calculating the total working capital assistance by assessing a business’s ability to use its current assets to pay its current liabilities?   **NOTE:** In its simplest form, working capital is defined as ‘‘Current Assets minus Current Liabilities’’ on the business’s balance sheet. In other words, working capital is the amount of cash needed to fund one year’s worth of liabilities (i.e., one year’s worth of mortgage payments and other debt, tax and utilities, yearly wages, and accounts payable) after subtracting other current assets such as inventory and accounts receivable…  [83 FR 5866, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Completing the DOB analysis by identifying all assistance, including all sources of financial assistance available to the applicant to pay a portion of liabilities that will become due?   [See DOB Notice 84 FR 28841 for applicability] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  |  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to requirements on funding *for-profit entities* for an economic development activity, as applicable, did the activity file require: | |
| 1. The grantee to evaluate and select economic development projects under section 105(a)(17) in accordance with guidelines developed by HUD pursuant to section 105(e)(2) for evaluating and selecting economic development projects?   [83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The grantee to use the underwriting guidelines in Appendix A to 24 CFR part 570 if they are using grant funds to provide assistance to a for-profit entity for an economic development project under section 105(a)(17) of the HCDA?   [83 FR 40317, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regards to ***business assistance***, | |
|  | 1. Do the policies and procedures require the grantee to prioritize assisting businesses that meet the definition of a small business as defined by SBA at 13 CFR part 121 or, for businesses engaged in ‘‘farming operations’’ as defined at 7 CFR 1400.3, and that meet the United States Department of Agriculture Farm Service Agency (FSA), criteria that are described at 7 CFR 1400.500, which are used by the FSA to determine eligibility for certain assistance programs? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the reviewed activities document that the grantee is prioritizing assisting businesses that meet the definition of a small business as defined by SBA at 13 CFR part 121 or, for businesses engaged in ‘‘farming operations’’ as defined at 7 CFR 1400.3, and that meet the United States Department of Agriculture Farm Service Agency (FSA) criteria that are described at 7 CFR 1400.500, which are used by the FSA to determine eligibility for certain assistance programs?   [83 FR 5866, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to requirements on *revolving loan funds*, as applicable: | |
| 1. Do the policies and procedures identify specific activities that the grantee will fund with the revolving loan funds?   [83 FR 5857, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are the activities funded from the revolving fund account similar to the identified activities in the policies and procedures?   [83 FR 5857, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the policies and procedures require the grantee to substantially disburse the revolving fund prior to drawing funds from the U.S. Treasury for payments that could be funded from the revolving fund? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Is the grantee substantially disbursing funds from the revolving loan fund prior to drawing funds from the U.S. Treasury for payments that could be funded from the revolving fund?   [83 FR 5857, 85 FR 4682, and 86 FR 570] |  |
| **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to *Section 3,* do the policies and procedures define a Section 3 resident as: (1) a public housing resident; or (2) an individual who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended, and who is (i) a low-income person or (ii) a very low-income person?  **Note 1:** Grantees are authorized to determine that an individual is eligible to be considered a Section 3 resident if the annual wages of the person are at, or under, the HUD-established income limit for a one-person family.  **NOTE 2:** The reviewer should note that Section 3 rules may change. If the rules change after publication of this document, the reviewer should not use this question.  [83 FR 5866, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** |  |

|  |  |  |
| --- | --- | --- |
|  | In accordance with the Appropriations Acts, recipients of Federal funds that use such funds to supplement Federal assistance provided under sections 402, 403, 404, 406, 407, or 502 of the Stafford Act may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit that is required by the HCD Act. Appropriations Acts beginning with Pub. L. 115-123 also allow such adoption where recipients supplement Federal assistance provided under section 408(c)(4) of the Stafford Act. | |
| 1. If a grantee makes the decision to adopt another agency’s environmental review, has the grantee notified HUD in writing of its decision?   [83 FR 40319, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee has adopted another Federal Agency’s environmental review, does the grantee have a copy of the review in its environmental records?   [83 FR 40319, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee has adopted another Federal agency’s environmental review, does the environmental review cover all project activities funded by the HUD recipient? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | The *Federal Register* notice published August 14, 2018 requires grantees to include a description of the grantee’s controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction. The description must address controls for housing projects involving eight or more units (whether new construction, rehabilitation, or reconstruction), economic revitalization projects (involving construction, rehabilitation or reconstruction), and infrastructure projects. Additionally, HUD may issue guidance to grantees that may require a grantee to verify cost reasonableness from an independent and qualified third-party architect, civil engineer, or construction manager. Grantee’s cost verification procedures must be consistent with that guidance. | |
| For grants funded pursuant to Pub. Law 115-123 (covering 2017 disasters): | |
| 1. Is the grantee adhering to its cost verification procedures as published in its Action Plan?   [83 FR 40314, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  |  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1),*** 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 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, 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 mixed-use structures with no dwelling units and no residents below two feet above base flood elevation to 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? | |  |  |  | | --- | --- | --- | |  |  |  | | **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 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 the 200-year (or 1 percent annual chance) floodplain? | |  |  |  | | --- | --- | --- | |  |  |  | | **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 in the 500-year (or 0.2 percent annual chance) floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) to be elevated or floodproofed (in accordance with the FEMA standards) to the higher of the 500-year floodplain elevation or three feet above the 1 percent annual floodplain?   **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 a structure (i.e. walled or roofed buildings, including mobile homes and gas or liquid storage tanks) or facility in the 100-year floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) to be elevated or floodproofed at least three feet above the 100-year floodplain elevation when the 500-year floodplain or elevation is unavailable? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require structures to follow State, local, and tribal codes and standards for floodplain management that exceed the requirements in a., b., c., and d., including elevation, setbacks, and cumulative substantial damage requirements, if applicable? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1),*** 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 mixed-use structures with no dwelling units and no residents below two feet above base flood elevation, are 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?   [83 FR 5861, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That all nonresidential structures receiving assistance for substantial improvements that are not Critical Actions (as defined at 24 CFR 55.2(b)(2)) is 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 the 100-year (or 1 percent annual chance) floodplain?   [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That a structure (i.e. walled or roofed buildings, including mobile homes and gas or liquid storage tanks) or facility in the 500-year (or 0.2 percent annual chance) floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) is elevated or floodproofed (in accordance with the FEMA standards) to the higher of the 500-year floodplain elevation or three feet above the 1 percent annual floodplain?   **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.  [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That a structure (i.e. walled or roofed buildings, including mobile homes and gas or liquid storage tanks) or facility in the 100-year floodplain under a Critical Action (as defined at 24 CFR 55.2(b)(3)) is elevated or floodproofed at least three feet above the 100-year floodplain elevation when the 500-year floodplain or elevation is unavailable?   [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That structures follow State, local, and tribal codes and standards for floodplain management requirements that exceed the elevation and floodproofing standards in questions a., b., c., d., and/or e., including elevation, setbacks, and cumulative substantial damage requirements, if applicable?   [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

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

(Supplement to Exhibit 6-6)

|  |  |  |
| --- | --- | --- |
|  | In accordance with the requirements to address unmet *affordable rental housing* needs, does the action plan, substantial amendment, or reviewed activity files document: | |
| 1. A minimum period of affordability of 15 years on rehabilitation or reconstruction of multi-family rental projects with eight or more units?   [83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The affordability period was recorded with use restrictions, covenants, deed restrictions, or other mechanisms to ensure that rental housing remains affordable for the required time?   [83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The income limits for tenants of rental housing that is rehabilitated, reconstructed or constructed with CDBG-DR funds?   [83 FR 40320, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In accordance with standards for broadband infrastructure in housing do the policies and procedures: | |
| Require any substantial rehabilitation of a building with more than four rental units to include installation of broadband infrastructure, unless one of the following exceptions is documented: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. the location of the substantial rehabilitation made installation of broadband infrastructure infeasible?   **OR**   1. the cost of installing broadband infrastructure would result in a fundamental alteration in program or activity or cause an undue financial burden?   **OR**   1. the structure of the housing to be substantially rehabilitated makes installation of broadband infeasible due to the structure being substantial rehabilitated? |  |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to standards for broadband infrastructure in housing, did the reviewed activities document: | |
| That any substantial rehabilitation of a building with more than four rental units includes installation of broadband infrastructure, unless one of the following exceptions is documented:  **NOTE:** If the answer to a. is “no” then the reviewer must make a Finding unless either i., ii., or iii. is a “yes.” | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. the location of the substantial rehabilitation made installation of broadband infrastructure infeasible?   **OR**   1. the cost of installing broadband infrastructure would result in a fundamental alteration in program or activity or cause an undue financial burden?   **OR**   1. the structure of the housing to be substantially rehabilitated makes installation of broadband infeasible due to the structure being substantial rehabilitated?   [83 FR 5862, 85 FR 4682, and 86 FR 570] |  |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In accordance with the Appropriations Acts, recipients of Federal funds that use such funds to supplement Federal assistance provided under sections 402, 403, 404, 406, 407, or 502 of the Stafford Act may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit that is required by the HCD Act. Appropriations Acts beginning with Pub. L. 115-123 also allow such adoption where recipients supplement Federal assistance provided under section 408(c)(4) of the Stafford Act. | |
| 1. If a grantee makes the decision to adopt another agency’s environmental review, has the grantee notified HUD in writing of its decision?   [83 FR 40319, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee has adopted another Federal Agency’s environmental review, does the grantee have a copy of the review in its environmental records?   [83 FR 40319, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the grantee has adopted another Federal agency’s environmental review, does the environmental review cover all project activities funded by the HUD recipient? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | The *Federal Register* notice published August 14, 2018 requires grantees to include a description of the grantee’s controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction. The description must address controls for housing projects involving eight or more units (whether new construction, rehabilitation, or reconstruction), economic revitalization projects (involving construction, rehabilitation or reconstruction), and infrastructure projects. Additionally, HUD may issue guidance to grantees that may require a grantee to verify cost reasonableness from an independent and qualified third-party architect, civil engineer, or construction manager. Grantee’s cost verification procedures must be consistent with that guidance. | |
| For grants funded pursuant to Pub. Law 115-123 (covering 2017 disasters): | |
| 1. Is the grantee adhering to its cost verification procedures as published in its Action Plan?   [83 FR 40314, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to activities ***in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1),*** 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 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, to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Prohibit assistance for the rehabilitation or reconstruction of a house, where: 2. the combined household income is greater than 120% AMI or the national median, 3. the property was located in a floodplain at the time of the disaster, and 4. the property owner did not maintain flood insurance on the damaged property? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require housing receiving assistance for repair of substantial damage, or substantial improvements (as defined at 24 CFR 55.2(b)(10)) in a 100-year (or 1 percent annual chance) floodplain to be elevated with the lowest floor, including the basement, at least two feet above the base flood elevation (except as provided in question d. below)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require all mixed-use structures receiving assistance for repair of substantial damage, or substantial improvements (as defined at 24 CFR 55.2(b)(10)) with no dwelling units and no residents below two feet above base flood elevation, to 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? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require housing receiving assistance for repair of substantial damage, or substantial improvements (as defined at 24 CFR 55.2(b)(10)) to follow applicable State, local, and tribal codes and standards for floodplain management requirements that exceed the elevation and floodproofing standards in questions c. and/or d., including elevation, setbacks, and cumulative substantial damage requirements? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to rehabilitation or reconstruction assistance in a floodplain, do the activity files document that the grantee did not provide assistance for the rehabilitation or reconstruction of a house, where:   1. the combined household income is greater than 120% AMI or the national median, 2. the property was located in a floodplain at the time of the disaster, and 3. the property owner did not maintain flood insurance on the damaged property?   [83 FR 5865, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activities in floodplains, flood hazard area or equivalent in FEMA’s data source identified in 24 CFR 55.2(b)(1)***, 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 housing receiving assistance for repair of substantial damage, or substantial improvements (as defined at 24 CFR 55.2(b)(10)) in a 100-year (or 1 percent annual chance) floodplain is elevated with the lowest floor, including the basement, at least two feet above the base flood elevation?   **NOTE**: If the housing activity is in a mixed-use structure, the reviewer should select “N/A” and answer question b. below.  [83 FR 5861, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. That mixed-use structures receiving assistance for repair of substantial damage, or substantial improvements (as defined at 24 CFR 55.2(b)(10)) with no dwelling units and no residents below two feet above base flood elevation, are 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?   [83 FR 5861, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the activity files document that housing receiving assistance for repair of substantial damage, or substantial improvements (as defined at 24 CFR 55.2(b)(10)) follows State, local, and tribal codes and standards for floodplain management requirements that exceed the elevation and floodproofing standards in questions a. and/or b., including elevation, setbacks, and cumulative substantial damage requirements, if applicable?   [83 FR 5862, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

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

No supplemental questions to Exhibit 6-7

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

|  |  |  |
| --- | --- | --- |
|  | For grants funded pursuant to Pub. Law 115-56, Pub. Law 115-123, Pub. Law 115-254, and Pub. Law 116-20 (covering 2017, 2018, and 2019 disasters): | |
| 1. In each reviewed contract or agreement, has the program participant incorporated performance requirements and liquidated damages?   **NOTE:** Contracts that describe work performed by general management consulting services need not adhere to this requirement.  [83 FR 5844, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | For grants funded pursuant to Pub. Law 115-56, Pub. Law 115-123, Pub. Law 115-254, and Pub. Law 116-20 (covering 2017, 2018, and 2019 disasters): |  |
| 1. If the grantee has procured for administrative support services, does the grantee retain inherently governmental responsibilities related to management of the grant (such as oversight, policy development, monitoring, internal auditing, and financial management)?   **NOTE:** Grantees may use contract staff to supplement, but not replace, existing governmental functions for oversight, policy development, monitoring, internal audit and financial management.  [83 FR 5844, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | The *Federal Register* notice published August 14, 2018 requires grantees to include a description of the grantee’s controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction. The description must address controls for housing projects involving eight or more units (whether new construction, rehabilitation, or reconstruction), economic revitalization projects (involving construction, rehabilitation or reconstruction), and infrastructure projects. Additionally, HUD may issue guidance to grantees that may require a grantee to verify cost reasonableness from an independent and qualified third-party architect, civil engineer, or construction manager. Grantee’s cost verification procedures must be consistent with that guidance. | |
| For grants funded pursuant to Pub. Law 115-123, Pub. Law 115-254, and Pub. Law 116-20 (covering 2017, 2018, and 2019 disasters): | |
| 1. Is the grantee adhering to its cost verification procedures as published in its Action Plan?   [83 FR 40314, 85 FR 4682, and 86 FR 570] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

**L. REVIEW OF FINANCIAL MANAGEMENT (Supplement to 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 34-2a.