|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Guide for Review of Infrastructure and Public Facilities** | | | | |
| **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 Exhibit is to be used to monitor infrastructure activities carried out with CDBG disaster recovery (CDBG-DR) funds awarded for major disasters that occurred in 2019 and earlier, in addition to the applicable Addendum based on the disaster year being monitored. See Attachment 6-1, “Document Reference Tool,” to determine which *Federal Register* notice(s) are applicable, and make sure to use the applicable Addendum based on the disaster year being monitoring.  Generally, infrastructure activities are projects that involve the rehabilitation or construction of public facilities or public improvements. In some cases, the facilities or improvements may be designed to accomplish specific objectives related to critical infrastructure sectors (such as energy, communications, water and wastewater systems, transportation, and/or flood control). This Exhibit is divided into four sections: Scope of Review; Policies and Procedures; File Review; and Reporting and Oversight.

**Questions:**

A. SCOPE OF REVIEW

|  |  |
| --- | --- |
|  | What entity is responsible for the direct administration of the program or activity? |
| **Describe Basis for Conclusion:** |
|  |

|  |  |
| --- | --- |
|  | Provide a brief description of the program or activity: |
| **Describe Basis for Conclusion:** |
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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Does the program or activity provide CDBG-DR funds for 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 CDBG-DR 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).  [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |
| --- | --- |
|  | Files reviewed (list all). |
| **List Files:** |
| |  |  |  | | --- | --- | --- | | Activity name or number | Funds Expended  ($) | Date of Expenditure (MM/DD/YYYY) | |  |  |  | |  |  |  | |  |  |  | |  |  |  | |  |  |  | |

B. POLICIES AND PROCEDURES

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Does the grantee have written infrastructure and public facilities policies and procedures? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***eligibility*** of activities, do the policies and procedures require that: | |
| 1. Activities relate to the impact of the applicable disaster(s)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Activities be located in an area that was Presidentially-declared as a major disaster? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
|  | 1. A determination that the funded CDBG-DR activities are not reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency (FEMA) or the Army Corps of Engineers? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Activities to be CDBG-eligible? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Activities to meet a national objective?   If the answer is “yes,” list the acceptable national objective(s). | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | If the policies and procedures allow CDBG-DR funds to be used as the non-federal match for a project funded by the U.S. Army Corps of Engineers, is the amount of CDBG-DR restricted to $250,000 or less?  [42 USC § 5305] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  |  |  |
| --- | --- | --- |
|  | Prior to answering the DOB questions in this exhibit, reviewers MUST complete the duplication of benefits section in the applicable Addendum, based on the disaster year being monitored, to ensure proper compliance with DOB and applicable *Federal Register* notice(s).  **NOTE**: Failure to maintain policies and procedures to adequately address duplication of benefits could lead to a violation of the requirement for grants under Public Laws appropriating CDBG-DR funds that the grantee have “established adequate procedures to prevent any duplication of benefits” or otherwise lead to a violation of section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. | |
| After completion of the DOB section in the applicable addendum, does the grantee illustrate compliance (i.e. “yes” responses for all DOB related questions)?  If so, the grantee’s policies and procedures are in place to ***prevent*** ***duplication of benefit*** (DOB). | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Do the policies and procedures require recapture of CDBG-DR funds?  **NOTE:** Examples of why a grantee may need to address recapture of CDBG-DR funds could be in the case of an overpayment or duplication of benefits. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to *ineligible* ***assistance***, do the policies and procedures require that no assistance be provided to privately-owned utilities?  **NOTE:** Grantees may request, and HUD may approve a waiver to allow for this activity. Check to see if your grantee was approved for this activity-specific waiver in the applicable *Federal Register* notices. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  |  |  |
| --- | --- | --- |
|  | 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 the purchase of flood insurance when CDBG-DR assistance is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any structures within an SFHA, and for any personal property contained therein, prior to disbursement of such assistance?   **NOTE:** Flood insurance typically covers structures and insurable personal property that could be destroyed in a flood. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require that flood insurance be maintained during the life of an assisted property, regardless of transfer of ownership of such property and describes how the grantee will confirm the owner obtained and maintained flood insurance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require structures constructed, reconstructed, or substantially improved in a SFHA to be elevated or floodproofed? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Please answer corresponding activity questions in applicable Addendum.** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Do the policies and procedures address grantee monitoring of funded activities (e.g., priority and/or frequency)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

C. FILE REVIEW

|  |  |  |
| --- | --- | --- |
|  | In regard to ***eligibility*** of activities do reviewed activity files document: | |
| 1. How the activities relate to a recovery need arising from the impact of the applicable disaster(s)?   [See applicable appropriation law and *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Activities are located in an area that was Presidentially-declared as a major disaster?   [See applicable appropriation law, *Federal Register* notice(s), and in the grantee’s approved action plan for grantee-identified most impacted and distressed areas] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. A determination that the funded CDBG-DR activities were not reimbursable by, and the CDBG-DR activities are not activities for which funds were made available by the Federal Emergency Management Agency or the Army Corps of Engineers?   [See applicable appropriation law (e.g., P.L. 110-252, P.L. 110-329, P.L. 113-2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Activities met CDBG-DR eligibility requirements or are eligible pursuant to a CDBG-DR waiver or alternative requirement in the applicable *Federal Register* notice(s)?   [Section 105 of the HCDA for states; Activities eligible under 24 CFR part 570, or subpart C for local governments; See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Activities were funded in accordance with the program or activity policies and procedures? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to ***national objective***, do reviewed activity files document that the activities met or will meet all criteria to demonstrate the activity satisfies a national objective?  [24 CFR 570.483 and 24 CFR 570.490 (State), or 24 CFR 570.208 and 24 CFR 570.506 (Entitlement), or applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

Reviewers must answer the national objective question below that corresponds to the national objective met by the activity: 15 (Low- and moderate-income national objective); or 16 (urgent need national objective).

Compliance with criteria for a national objective depends upon how activity has been structured. Refer to HUD guidance regarding the use of the Low- and Moderate-Income (LMI) national objective (housing, limited clientele, area benefit, etc.) AND the applicable Federal Register notices, which contain waivers and alternative requirements that modify LMI national objective criteria.

|  |  |  |
| --- | --- | --- |
|  | In regard to the *Low- and Moderate-Income national objective*: | |
| LMI Area Benefit (LMA): Reviewed activity files document that the activity benefits all of the residents in a particular area and the area defined by the grantee is:   * Primarily residential; and, * One where at least 51 percent of the residents in the area are low- and moderate-income persons **or** the percent of low- and moderate-income residents in the area equal or exceed the exception criteria or upper quartile?   [24 CFR 570.483(b)(1) and 24 CFR 570.490 (as modified by waiver and alternative requirement); 24 CFR 570.208(a)(1) and 570.506; applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Do reviewed activity files document that the activity met the criteria of the Urgent Need national objective, including one of the following: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. *If the grantee received a waiver and is subject to an alternative requirement* of the certification requirements at 24 CFR 570.208(c) or 24 CFR 470.483(d) in a *Federal Register* notice, how the program responds to disaster-related impacts identified in the action plan needs assessment;   **OR**  **NOTE**: The action plan needs assessment in i. under the alternative requirement must have referenced the type, scale, and location of the disaster-related impacts being addressed over the course of the expenditure of obligated grant funds for the program.  [24 CFR 570.483(b)(4) and 24 CFR 570.490 (as modified by waiver and alternative requirement); 24 CFR 570.208(a)(4) and 24 CFR 570.506(b)(5), applicable *Federal Register* notice(s)] |  |
| 1. The requirements at 24 CFR 570.208(c) or 24 CFR 470.483(d) if the waiver expired prior to the activity or if the grantee did not receive a waiver of the certification requirements?   [24 CFR 570.483(d) and 24 CFR 570.490 (as modified by waiver and alternative requirement); 24 CFR 570.208(c) and 24 CFR 570.506(b)(5) (as modified by waiver and alternative requirement), applicable *Federal Register* notices] |  |
| **Describe Basis for Conclusion:** | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | If the grantee did not meet the criteria of a national objective that is described in the prior questions, do reviewed activity files document that the activity met or will meet the criteria of another national objective?  **NOTE:** Reviewers may choose to consult Chapter 3 and Chapter 4 Exhibits that include a guide for review of national objective criteria to ensure that the activity met or will meet the criteria of another national objective. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Have reviewed activities been monitored by the grantee in accordance with its policies and procedures?  Refer to Section B above. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | In regard to *ineligible* ***assistance***, do the activity files document that no assistance be provided to privately-owned utilities?  **NOTE:** Grantees may request, and HUD may approve a waiver to allow for this activity. Check to see if your grantee was approved for this activity-specific waiver in the applicable *Federal Register* notices.  [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | In regard to Improper Payments, do reviewed activity files document:  **NOTE:** An improper payment means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and includes any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit for applicable discounts, and any payment where insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper. | | | | |
| 1. That an improper payment of CDBG-DR funds was not made?   [See applicable *Federal Register* notice(s); 2 CFR 200.302(b)(4) ; 24 CFR 570.502] | | | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to 20.a above is “no,” the grantee is taking prompt and appropriate corrective action?   **NOTE:** For example, seeking recapture of funds resulting from an improper payment could be an appropriate corrective action.  [See applicable *Federal Register* notice(s); 2 CFR 200.302(b)(4) and 2 CFR 200.303(d); 24 CFR 570.502] | | | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **For reviewed activities with an improper payment, please complete the following:** | | | | |
| Activity name or  number | Improper payment amount ($) | Type of improper payment | Corrective action | |
|  |  |  |  | |
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| Please ensure that the activity names or numbers listed correspond with those listed in Section A, Question 4 of this Exhibit. | | | | |
| **Describe Basis for Conclusion:** | | | | |

D. OVERSIGHT AND REPORTING

|  |  |  |
| --- | --- | --- |
|  | If the grantee is not directly administering the program or activity, in regard to oversight: | |
| 1. Is there evidence that the grantee is providing the subrecipient or subgrantee with technical assistance?   [See applicable *Federal Register* notice(s); Section 106(d)(2)(c)(ii) of the HCDA if this certification is not waived (States); 24 CFR 570.503] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Is the grantee monitoring activities through an on-site or remote review to effectively ensure compliance with its subrecipient or subgrantee agreement?   [See applicable *Federal Register* notice(s); 2 CFR 200.331; 24 CFR 570.501(b); 24 CFR 570.503] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Is the grantee receiving the subrecipient or subgrantee records that must be submitted to the grantee to comply with their subrecipient or subgrantee agreement?   [See applicable *Federal Register* notice(s); 24 CFR 570.503(b)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |  |  |  | |
| 1. Is the grantee complying with its policies and procedures? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to the ***Disaster Recovery Grant Reporting (DRGR) system:*** | |
| 1. Are activities classified correctly in DRGR (e.g., the correct accomplishment type is associated with the applicable activity)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do quarterly performance reports correctly record the appropriate performance measures (e.g., the number of properties acquired)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do performance measures and projected end dates match the information in the program files? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

|  |  |  |
| --- | --- | --- |
|  | In regard to ***activity completion***: | |
| 1. Are activities completed in accordance with i. through iii. below:   If the answers to the sub-questions i. through iii. below are “yes,” the reviewer can select “yes” for this question. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The completion dates or period of performance in the contract(s)?   [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The completion dates in its action plan?   [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The completion dates entered into DRGR?   [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to 23.a above is “no”, was the action plan amended for any subsequent changes, updates or revisions of the projections?   [See applicable *Federal Register* notice(s)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to 23.a above is “no,” are contracts amended and extended before they lapse?   **NOTE:** The reviewer should look at each applicable *Federal Register* notice(s) for the specific activity completion requirements for its Quarterly Performance Reports and contracts. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to 23.a above is “no,” the reviewer should answer the sub-questions below and describe its basis for conclusion: | |
| 1. Has the grantee determined the reason for the delay in the activity’s completion? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Has the grantee identified a corrective action to rectify the activity’s delay? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Has the grantee revised the activity’s completion deadline? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |