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| **Guide for Review of RHP Plan Execution, Activity Eligibility and National Objective** | | | |
| **Name of Program Participant:** | | | |
| **Staff Consulted:** | | | |
| **Name(s) of Reviewer(s)** |  | **Date** |  |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, *Federal Register* Notice, or grant agreement). If the requirement is not met, HUD must make a **“finding of noncompliance”** with program requirements. All questions that do not contain the citation for the requirement do not address requirements but are included to assist the reviewer in fully understanding the participant's program and/or 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 not a **"finding."**

**Instructions:** This Exhibit is designed to evaluate grantees’ (states and the District of Columbia) execution of their Recovery Housing Program (“RHP”) Action Plan and compliance with activity eligibility and national objective requirements.  Eligible activities are limited to certain activities that provide stable, temporary housing for persons in recovery from a substance use disorder, and, unlike the annual CDBG program, the RHP program has only one National Objective: Benefit to Low- and Moderate-Income Limited Clientele (LMC).

The applicable requirements are found in:

* Section 8071 of the Support for Patients and Communities Act (Public Law 115-271, October 24, 2018), as may be amended (“SUPPORT Act”),
* The *Notice of FY2020 Allocations, Waivers, and Alternative Requirements for the Pilot Recovery Housing Program* (85 FR 75361, published on November 25, 2020) (“FY2020 RHP Notice”),
* The *Notice of Waivers and Alternative Requirements for the Pilot Recovery Housing Program* (86 FR 38496, published on July 21, 2021) (“FY2021 RHP Notice”), and
* Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et. seq.*) (“the HCD Act”), and its implementing regulations at 24 CFR part 570, unless otherwise provided in the SUPPORT Act or modified by waivers and alternative requirements in the RHP Notices.

Section 8071(g) of the SUPPORT Act defines the term “state” to include the District of Columbia and any state as defined in section 102 of the HCD Act (42 U.S.C. 5302). This Exhibit will generally refer to a “State”, as defined by the HCD Act, as “state RHP grantee” or “state” and separately refer to the “District of Columbia”. Also, this Exhibit will use the term “grantee” to include both states and the District of Columbia.

This Exhibit is divided into three sections of questions: (A) Plan Execution; (B) Activity Eligibility; and (C) National Objective Compliance.

**Questions:**

A. Plan Execution

1.

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| Has the grantee administered its RHP funding consistent with its RHP Action Plan, including use of the plan’s criteria for evaluation of applications and applicants?  [FY2020 RHP Notice 85 FR 75361 Sections II.H.8 & II.H.8.v.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

2.

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| In distributing its funds, did the grantee give priority to:  (a) Entities with the greatest need, including how the grantee will consider both the projected demand for the proposed temporary recovery housing solution and the financial need for assistance, AND  (b) Entities with the ability to deliver effective assistance in a timely manner,  as described in its RHP Action Plan?  [Section 8071(c)(2) of the SUPPORT Act, and FY2020 RHP Notice 85 FR 75361 Sections II.C. and H.8.v.(4)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

3.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| If there is more than one administering agency, did the agencies enter into an interagency agreement or other agreement that defines agency responsibilities for grant administration? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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4.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the grantee amend the RHP Action Plan *if* one of the following is occurring or has occurred:   * A change in allocation priorities or a change in the uses of funds, either through method of distribution or direct grantee administration; * Use of RHP funds for an activity that is not described in the action plan; or * Change in the scope, location, or beneficiaries of an activity?   If none of the items on the list are occurring or have occurred, check “N/A”.  [FY2020 RHP Notice 85 FR 75361 Section II.H, and 24 CFR 91.505(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

5.

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| If the grantee submitted an amendment that met the criteria of “substantial” (as defined in its citizen participation plan), did the grantee complete the citizen participation process for the substantial amendment(s)?  **NOTE**: In addition to the grantee’s criteria for substantial amendments in the citizen participation plan, a substantial amendment includes incorporating any subsequent RHP allocation(s) into the single RHP Action Plan.  **NOTE**: Additional citizen participation review questions are included in Chapter 19 of this Handbook.  [FY2020 RHP Notice 85 FR 75361 Section II.H.8, FY2021 RHP Notice 86 FR 38496 Section II.B.ii., and 24 CFR 91.505(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

B. activity eligibility

6.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Is every activity reviewed eligible?   * Eligible RHP activities are limited to the following activity types:  1. Public Facilities and Improvements; 2. Acquisition of Real Property; 3. Lease, rent, and utilities (note, such payments are not limited to 15 percent of the RHP grant); 4. Rehabilitation and Reconstruction of Single-Unit Residential; 5. Rehabilitation and Reconstruction of Multi-Unit Residential; 6. Rehabilitation and Reconstruction of Public Housing; 7. Disposition of Real Property; 8. Clearance and Demolition; 9. Relocation; 10. New construction of housing; 11. Grant Administration; 12. Technical Assistance.   **NOTE:** Item 9, Relocation does NOT refer to the relocation into permanent housing for persons in recovery from a substance use disorder. In this context, relocation refers to persons permanently displaced or temporarily relocated by RHP-funded projects. The grantee must comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.), and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided. Additional Relocation and Real Property Acquisition questions and guidance may be found in Chapter 25 of this Handbook or HUD Handbook 1378.  [FY2020 RHP Notice 85 FR 75361 Section II.L.i through xii.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

7.

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| Are all reviewed activities for the purpose of providing stable, temporary housing to individuals in recovery from a substance use disorder for a cumulative period of **not more than two years** per individual or until the individual secures permanent housing, whichever is earlier?  **NOTE:** Permanent housing for individuals or families is not eligible under the RHP program.  [Section 8071(a) of the SUPPORT Act and FY2020 RHP Notice 85 FR 75361 Section II.L] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

8.

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| Did the grantee refrain from the use of RHP funds for planning-only grants?  [FY2020 RHP Notice 85 FR 75361 Section II.E.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

9.

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| [State RHP grantees only] Is the state RHP grantee complying with the prohibition in 24 CFR 570.489(a)(2)?  24 CFR 570.489(a)(2) prohibits the state RHP grantee in its administration of its RHP funds from charging fees of any entity for processing or for considering any application for RHP funds, or for state administration costs associated with processing or considering any application.  **NOTE**: This provision generally prohibits a state from charging fees to a unit of general local government for applying to a state under its method of distribution.  [24 CFR 570.489(a)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

C. national objective compliance

10.

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| For each RHP activity subject to the national objective, are at least 51% of the clientele low- and moderate-income persons?  **NOTE**: The grantee must demonstrate compliance with this requirement by collecting information on family size and family income to make an LMI determination for the family OR, barring evidence to contrary, may presume that certain group categories of persons are low- and moderate-income persons. For RHP, the presumed benefit categories were expanded to include persons who meet the **federal poverty limits** or are insured by **Medicaid**.  **NOTE:** RHP does not test for Overall Benefit, because all activities count towards low- and moderate-income clientele benefit [i.e., RHP excludes the slums or blight and urgent need National Objectives].  [24 CFR 570.208(a)(2)(i) (District of Columbia); 570.483(b)(2)(ii) (states); and FY2020 RHP Notice 85 FR 75361 Section II.M. (all grantees)] | |  |  |  | | --- | --- | --- | |  |  |  | |  |  |  | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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11.

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| Did the grantee comply with the requirement that activities, when taken as a whole, must not benefit moderate-income persons to the exclusion of low-income persons?  **NOTE**: Review of each program’s beneficiary documentation may indicate the grantee is prioritizing moderate-income persons to the exclusion of low-income persons. If the answer to this question is “no”, please describe how the review demonstrated the exclusion of low-income person in the “Basis for Conclusion” below.  [24 CFR 570.208(a) (District of Columbia); 24 CFR 570.483(b) (states); and FY2020 RHP Notice 85 FR 75361 Section II.M.(i) (all grantees)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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12.

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| In the case of multi-unit residential housing activities, are at least 51% of the units for occupancy by individuals in recovery from substance use disorder that are low- or moderate-income? If there are only two units, at least one unit must be for individuals in recovery from substance use disorder that are low- or moderate-income.  **NOTE**: This provision would not apply to units used as group quarters. In the case of multi-unit structures used as group quarters, mark this question as N/A and refer to question 10.  [24 CFR 570.208(a)(2) (District of Columbia); 24 CFR 570.483(b)(2)(i)(B) (states); and FY2020 RHP Notice 85 FR 75361 Section II.M.(i) (all grantees)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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List the activities reviewed:

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| --- | --- | --- | --- |
| **Responsible Organization** | **Activity Name** | **DRGR Activity #** | **Activity Type** |
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