|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Guide for Review of Flood Zone and Floodway Buyouts**  **and Non-Buyout Acquisitions** | | | | |
| **Name of Grantee:** | | **Appropriation(s):** | | |
| **Staff Consulted:** | | | | |
| **Name(s) of Reviewer(s):** |  | | **Date:** |  |

**NOTE:** Most questions that address requirements contain the citation for the source of the requirement (statute, regulation, *Federal Register* notice, or grant agreement). However, in some instances, a controlling document (i.e., grant agreement or *Federal Register* Notice) is provided without a specific citation. This is because rules can vary significantly from appropriation to appropriation, causing the grant agreements and published Notices to vary accordingly. If deficiencies are identified in these instances, HUD should ensure that program violation citations are appropriately noted. In addition, a statute or *Federal Register* Notice may only apply to certain grantees; carefully review the citation to determine its applicability. If a requirement is not met, HUD must make a finding of noncompliance. All other questions may not address requirements, but are included to assist the reviewer in understanding the participant's program more fully 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**" (24 CFR 570.900(b)(5) and 24 CFR 570.901 for entitlement and state grantees under Public Law 113-2 (paragraph 26 of March 5, 2013 Notice) and 24 CFR 570.495 for state grantees).

**Instructions:** This Exhibit should be used to monitor buyouts and non-buyout acquisitions in a floodplain or floodway carried out with CDBG disaster recovery (CDBG-DR) funds. Generally, under a buyout program, the grantee acquires real property located in a floodway or a floodplain (or other high hazard area, if permitted by Notice), demolishes all physical structures on the property, and the property may not be redeveloped. For non-buyout acquisitions in a hazard area, the property may be acquired by the grantee and redeveloped.

Acquisitions (including buyouts) may trigger the real property acquisition and relocation assistance requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). 49 CFR Part 24, Subpart B, sets forth the real property acquisition requirements for Federal and federally-assisted programs and projects under the URA. Generally, the URA regulations have different requirements for voluntary and involuntary acquisitions (including buyouts). For URA purposes, voluntary acquisitions are transactions that meet the criteria set forth in 49 CFR 24.101(b)(1) through (5), as may be modified by waiver, which primarily excludes acquisitions undertaken with the threat or use of eminent domain. All other real property acquisitions subject to the URA that do not meet the criteria in 49 CFR 24.101(b)(1) through (5) are involuntary acquisitions. Under the URA, voluntary acquisitions which satisfy the requirements of 49 CFR 24.101(b)(1) through (5) are not subject to the acquisition requirements of 49 CFR Part 24, Subpart B. A common misconception is that a “willing seller” or “amicable agreement” means a transaction is “voluntary.” For URA purposes, this is not necessarily true: the applicable requirements of 49 CFR 24.101(b)(1) through (5), as may be modified by waiver, must be satisfied for a transaction to be considered a “voluntary acquisition.” When a buyout or acquisition is subject to the acquisition requirements in 49 CFR part 24, subpart B, and/or when the buyout or acquisition will result in tenant relocation, the reviewer should ensure the program is reviewed by the HUD Regional Relocation Specialist.

It is important to note that the Department has established various requirements for these activities with each supplemental appropriation of CDBG-DR funds and reviewers must consult the applicable *Federal Register* Notices to determine applicable requirements. Prior to 2011 CDBG-DR appropriations, for example, grantees had less restrictive requirements for properties acquired as a “buyout,” except when CDBG-DR funds were used as a match for FEMA Section 404 Hazard Mitigation grant funds.

By contrast, CDBG-DR funds provided through the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and Public Law 112-55 are subject to more restrictive requirements for the buyout or non-buyout acquisition of properties in a floodplain or floodway. In a buyout using Public Law 113-2 funds, for example, the property owner may be paid *pre-flood* value along with any optional relocation assistance (the grantee must uniformly apply whichever valuation method it chooses). In a non-buyout acquisition, however, the acquisition price must be based on the *post-flood* value (based on applicable cost principles, just as an acquisition carried out under the annual CDBG program). This Exhibit should be used to assess the unique responsibilities attached to buyouts, as well as the requirements for more non-buyout acquisitions of real property in a flood zone or flood way. The Exhibit is divided into four sections: Scope of Review; Policies and Procedures; File Review; and Reporting and Oversight.

**Questions**:

A. SCOPE OF REVIEW

1.

|  |
| --- |
| What entity is responsible for the direct administration of the program? |
|  |

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the review include buyouts, non-buyout acquisitions, or both? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

3.

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

B. POLICIES AND PROCEDURES

4.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Do written policies and procedures govern the program? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are the policies and procedures consistent with the grantee’s published Action Plan for disaster recovery? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

5.

|  |  |
| --- | --- |
| In regard to ***eligibility***, do the policies and procedures require: | |
| 1. Activities to relate to the impact of the applicable disaster(s)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Activities to be located in a county that was Presidentially-declared as a major disaster? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Activities to be prohibited from receiving CDBG-DR funds if the activity has costs reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency 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 yes, list the acceptable national objective(s): | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

6.

|  |  |
| --- | --- |
| Do the policies and procedures require all other sources of disaster assistance for the same purpose (see *Federal Register* notice published November 16, 2011 (76 FR 71066)) to be identified and considered to ***prevent a duplication of benefit*** (DOB), including:  [Failure to develop and maintain policies and procedures to adequately address duplication of benefits could lead to a violation of the requirement for grants under Public Law 113-2 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] | |
| 1. Insurance? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Federal Emergency Management Agency (FEMA)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Small Business Administration? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. National Flood Insurance Program (NFIP)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| e. Other federal, state or local funding? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| f. Other nonprofit, private sector, or charitable funding? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures require all beneficiaries to enter into a signed agreement (e.g., subrogation agreement) to repay any assistance later received for the same purpose as the CDBG disaster recovery funds?  [See *Federal Register* noticepublished November 16, 2011 for applicability] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures address recapture of CDBG-DR funds (e.g., in case of an overpayment, duplication of benefit)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

9.

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

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures include a uniform methodology for determining purchase values?  [Applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

11.

|  |  |
| --- | --- |
| In regard to ***relocation assistance and real property acquisition***, do the policies and procedures:  **[If the answer “yes” is checked in response to any of the Questions 11a.-d. below, ensure the program is reviewed by the HUD Regional Relocation Specialist.]** | |
| a. Allow involuntary acquisition (i.e., acquisition that does not meet criteria in 49 CFR 24.101(b)(1) through (5), as may be modified by waiver)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Allow activities that will displace, or cause the temporary relocation of, tenants (via a buyout or acquisition program)?  NOTE: Tenants that are displaced because of a voluntary acquisition (defined as one that meets the criteria in 49 CFR 24.101(b)(1) through (5), as may be modified by waiver), whether through an acquisition or buyout program, may be eligible for URA relocation assistance and payments. Owners, as well as tenants, may be eligible for URA relocation assistance if relocated as a direct result of involuntary acquisition. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Provide for payment of optional relocation assistance under 24 CFR 570.606? *If the answer is “ yes,” ask for the optional relocation plan (required for this type of payment) so that it can be reviewed by the Regional Relocation Specialist.* | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Implement a waiver of Section 414 of the Stafford Act, if applicable? *If the answer is “yes,” ask for a rehousing plan or compliance materials for other alternative requirements for review by the Regional Relocation Specialist.*  [Applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

12. NON-BUYOUT ACQUISITIONS ONLY

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is the reviewer monitoring a ***non-buyout acquisition*** program funded pursuant to Public Laws 112-55 or 113-2?  NOTE. for CDBG-DR funds under these public laws, a ***non-buyout acquisition*** is an acquisition for some eligible recovery purpose other than reduction of risk from flooding (acquisition to reduce risk from future flooding is a “buyout”).  If the answer is “no,” skip to Question 13.  If the answer is “yes,” do the policies and procedures: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Provide for interim management and timely disposition of property or transition to a new use? If that use changes, does the grantee follow change in use provisions?   [24 CFR 570.489(k), 570.505 where applicable] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Require a purchase price to be based on *post-flood* value in accordance with applicable cost principles?   [*Federal Register* notices published March 5, 2013 and May 29, 2013; applicable to grants under Public Laws 112-55 and 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Make optional relocation assistance payments (if provided) in accordance with the optional relocation plan?  [*Federal Register* notices published March 5, 2013 and May 29, 2013; applicable to grants under Public Laws 112-55 and 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Ensure that activities will be in compliance with the grantee’s long-term redevelopment plans?  [*Federal Register* notices published March 5, 2013 and May 29, 2013; applicable to grants under Public Laws 112-55 and 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| e. If applicable, provide for a rehousing plan in accordance with a Stafford Act Section 414 waiver and alternative requirement?  [Applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion, and for and *non-buyout acquisition*** program funded pursuant to Public Laws 112-55 or 113-2**, note the public purpose of the acquisition that is not for reducing risk of future flooding:** | |
|  | |

13. BUYOUTS ONLY

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is the reviewer monitoring a ***buyout*** program funded pursuant to Public Laws 112-55 or 113-2)?  If the answer is “no,” skip to Section C.  If the answer is “yes,” do the policies and procedures: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Ensure acquired property is located in a floodway or floodplain?   [*Federal Register* notices published March 5, 2013 and May 29, 2013; applicable to grants under Public Laws 112-55 and 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Ensure acquired property is maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices?  [*Federal Register* notices published March 5, 2013 and May 29, 2013; applicable to grants under Public Laws 112-55 and 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Ensure no new structure, other than those specifically allowed by an applicable *Federal Register* notice (e.g., a public facility open on all sides), will be erected on an acquired property?  [*Federal Register* notices published March 5, 2013 and May 29, 2013; applicable to grants under Public Laws 112-55 and 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Prohibit participation for a “second home”, as defined in IRS Publication 936 (mortgage interest deductions)?  [*Federal Register* notice published March 5, 2013; only applicable to grants under Public Law 113-2] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is the reviewer monitoring a ***buyout*** program funded with CDBG-DR funds under an appropriation law enacted prior to 2011, and where CDBG-DR funds will be matched to FEMA Section 404 ***Hazard Mitigation Grant Program*** funds?  If the answer is “no,” skip to Section C.  If the answer is “yes,” do the policies and procedures: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| a. Ensure acquired properties comply with section 404(b)(2) of the Stafford Act, which requires that the property will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices?  [Applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Ensure a deed restriction or covenant running with the land will be executed to ensure the properties comply with “a” above?  [Applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Ensure that no new structure may be erected (with minor exceptions)?  [Applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

C. FILE REVIEW

15.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do reviewed activity files contain adequate records to demonstrate compliance with the requirements of 24 CFR 570.606 regarding acquisition, displacement, relocation, and replacement housing, if applicable? **[If the answer is “no”, ensure the program is reviewed by the HUD Regional Relocation Specialist.]**  [24 CFR 570.506(f)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

16.

|  |  |
| --- | --- |
| In regard to ***eligiblity***, do reviewed activity files document: | |
| 1. How the activities relate to the impact of the applicable disaster(s)?   [Applicable appropriation law and *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Activities were located in an eligible county?  [Applicable appropriation law and *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. CDBG funds for the activities did **not** supplant funds made available by the Federal Emergency Management Agency or the Army Corps of Engineers?  [Applicable appropriation law (e.g. Public Laws 110-252, 110-329, and 113-2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Activities met CDBG eligibility requirements?  [Applicable *Federal Register* notice, and 24 CFR 570.201 or 570.606, or Sections 105(a)(1) or 105(a)11 of the HCDA] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| e. The purchase prices of acquired properties complied with the established methodology? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| f. If the grantee has an optional relocation plan, that optional relocation payments complied with the grantee’s plan?  [Applicable *Federal Register* notice, 570.606, or Section 105(a)11 of the HCDA] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

17.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| In regard to ***national objective***, do reviewed activity files document that activities met or will meet an acceptable national objective (i.e., one allowed by the policies and procedures)?  [24 CFR 570.483 and 570.490, or 570.208 and 570.506, or applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

18.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| In regard to the ***Low- and Moderate-Income national objective***, do reviewed activity files document compliance with low- and moderate-income national objective criteria?  NOTE: Compliance may vary by grantee—and ultimately depends upon how the buyout or non-buyout acquisition program has been structured. Refer to HUD guidance regarding the use of the Low- and Moderate-Income national objective (housing, jobs, area benefit, etc.).  [24 CFR 570.483 and 570.490, or 570.208 and 570.506, or applicable *Federal Register* notice] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

19.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| In regard to the ***Slum/Blight national objective***, do reviewed activity files document that the acquisition and end use of the property together demonstrate the national objective criteria for activities that meet slum/blight on an area basis, or activities that meet the slum/blight national objective on a spot basis?  [24 CFR 570.483 and 570.490, or 570.208 and 570.506] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

20.

|  |  |
| --- | --- |
| In regards to the ***Urgent Need national objective***, do reviewed activity files document that: | |
| 1. Urgency of the need was adequately documented to demonstrate compliance if the grantee received a waiver of the certification requirements at 24 CFR 570.208(c) and 24 CFR 570.483(d) in an applicable *Federal Register* notice for the documentation of urgent need for a limited period of time (e.g. in the grantee’s Action Plan)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. The urgency of the need was adequately demonstrated in compliance with requirements at 24 CFR 570.208(c) and 24 CFR 470.483(d) if the waiver had expired prior to the activity or if the grantee did not receive a waiver of the certification requirements? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

21.

|  |  |
| --- | --- |
| In regard to ***duplication of benefits*** (DOB), do reviewed activity files document: | |
| 1. All sources of assistance provided to each applicant for the same purpose, and the determination of DOB?   [Stafford Act, noticepublished November 16, 2011 (76 FR 71066)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. How the DOB determination impacted the applicant’s CDBG-DR award? If a DOB was found, was there a reduction in the award amount?  [Stafford Act, noticepublished November 16, 2011 (76 FR 71066)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. That each applicant has signed a subrogation agreement or similar agreement governing recapture of assistance received from another source after the activity is completed?  [See *Federal Register* noticepublished November 16, 2011 (76 FR 71066) for applicability] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. If a DOB occurred after the award of CDBG-DR funds, were funds recaptured in accordance with the agreement and the grantee’s policies and procedures?  [Refer to Question 8; see *Federal Register* noticepublished November 16, 2011 (76 FR 71066) for applicability] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

22.

|  |  |
| --- | --- |
| In regard to the ***type of program***, do reviewed activity files document: | |
| 1. Compliance with the grantee’s *non-buyout* *acquisition* policies and procedures?   [Refer to Question 12.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Compliance with the grantee’s *buyout* program policies and procedures? [Refer to Question 13.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Compliance with the grantee’s *Hazard Mitigation Grant Program* policies and procedures?  [Refer to Question 14.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

23.

|  |  |
| --- | --- |
| For applicable P.L. 113-2 grantees (New York, New Jersey, and New York City, NY), as designated in the CDBG-DR improper payments protocol: | |
| a. Do reviewed files document that noimproper payment**s** of CDBG-DR funds were made(i.e., any payment that should not have been made or that was made in an incorrect amount, such as a payment to an ineligible recipient, a payment for an ineligible activity, a duplicate payment, or when documentation is not available to support a payment)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. If an improper payment was made, is the grantee taking corrective action (e.g., seeking recapture of funds resulting from an overpayment)? | |  |  |  | | --- | --- | --- | |  |  |  | | **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 | |  |  |  |  | |  |  |  |  | |  |  |  |  | | |
| *Please ensure that the activity names or numbers listed correspond with those listed in Section A, Question 3 of this Exhibit.* | |
| **Describe Basis for Conclusion:** | |

D. OVERSIGHT AND REPORTING

24.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Have reviewed activities been monitored by the grantee in accordance with its policies and procedures?  [Refer to Question 9.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

25.

|  |  |
| --- | --- |
| If the grantee is *not* administering the program, in regard to ***oversight***, is it:  [24 CFR 570.501, 570.502, 570.503, and Applicable *Federal Register* Notices] | |
| 1. Providing the subrecipient or subgrantee with guidance and technical assistance in a timely and effective manner? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Monitoring activities through an on-site or remote review? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Effectively collecting necessary information (e.g., performance data) from the subrecipient or subgrantee? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Enforcing a subrecipient agreement or grant agreement with the unit of general local government, or subrecipient, as applicable? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

26.

|  |  |
| --- | --- |
| 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:** | |
|  | |

27.

|  |  |
| --- | --- |
| In regard to ***activity completion***: | |
| 1. Are activities completed in a timely fashion (in accordance with contracts and DRGR project completion dates)? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to “a” above is “no,” are contracts amended and extended before they lapse? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the answer to “a” above is “no,” are activities assessed to determine the reason for the delay, measures that can be enacted to rectify any issues, and a realistic revised project completion deadline? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |