

ENVIRONMENT

Requirements: Recordkeeping

LOCAL RECORDKEEPING

Recipient records for environmental requirements compliance must satisfy State review requirements.

Explanation	Possible Type of Record		
	Review Checklist	Process Document	Source Document
For every project, the recipient must maintain an Environmental Review Record (ERR) that includes:			
o A description of the project and its activities.			x
o All environmental reviews, including their findings and documentation.	x	x	x
o All public notices.			x
o All written determinations.			x
o HUD's approval of the environmental certification.			x
o HUD's approval of the Request for the Release of Funds (RROF).			x

For projects consisting solely of exempt activities (24 CFR 58.34), the recipient's must also include:

- |  |  |  |   |
|--|--|--|---|
| o Written documentation, signed by the certifying officer, that the project qualifies for exemption (24 CFR 58.34(b)). |  |  | x |
|--|--|--|---|

(NOTE: Such project must be one or more of the activities described in Section 105 of the Housing and Community Development Act.)

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	Review Checklist	Process Document	Source Document
For projects consisting of categorically excluded activities (14 CFR 58.35), the recipient's ERR must also include:			
<input type="radio"/> Written documentation, signed by the certifying officer, that project activities meet the requirements for categorical exclusion from NEPA requirements (24 CFR 58.35(a)) or exemption (24 CFR 58.34).		x	x
<input type="radio"/> Written documentation of compliance with environmental requirements of other applicable related laws (24 CFR 58.5), detailing completion of required procedures and actions (24 CFR 58.35(b)).	x	x	x
OR			
<input type="radio"/> Written determination, signed by the certifying officer, that the project is exempt from designated laws and authorities (24 CFR 58.34(a)(10)).			x
<input type="radio"/> For projects requiring compliance with applicable related statutes, evidence that recipient published the Notice of Intent to Request the Release of Funds (NOI/RROF) at least 7 calendar days before submitting the Request for the Release of Funds (RROF) to the State, using the HUD format or an equivalent.		x	x
<input type="radio"/> Record of comments regarding the NOI/RROF and report of how comments were addressed (24 CFR 53.70).		x	x

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Explanation	Possible Type of Record		
	Review Checklist	Process Document	Source Document
- Environmental Protection Agency (EPA) headquarters and appropriate regional offices;	x		x
- Interested individuals and groups;	x		x
- Appropriate Federal, State, and local agencies; and	x		x
- The State CDBG agency (24 CFR 58.43 and 58.44)	x		x
o Evidence that all notices were published at least once in local areawide newspaper (for exceptions, see 24 CFR 58.43).	x		x
o Evidence that a 15-day comment period was provided for all FONSI Notices, including:	x	x	x
- Record of comments received.			x
- Report of how comments were addressed (24 CFR 58.44 and 58.45).		x	
- Record of any determination extending comment period or providing for a 30-day FONSI Notice comment period rather than the standard 15 days (24 CFR 58.46).			x
o If separate notices for the FONSI and the NOI/RROF are issued, records should include evidence that 7 calendar days elapsed between publication and the end of the comment period provided for the NOI/RROF before the RROF was submitted to the State, including a record of:	x		x

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Recipient records for environmental requirements compliance must satisfy State review requirements.

Explanation	Possible Type of Record		
	Review Checklist	Process Document	Source Document
o A copy of the Draft EIS (DEIS) prepared according to HUD format and Section 1502.10 of NEPA (24 CFR 58.60). The DEIS should include evidence of compliance with applicable laws and authorities (24 CFR 58.66).			x
o Documentation that the DEIS was filed with EPA headquarters and regional offices (24 CFR 58.61).	x	x	
o Record of any decision to hold public hearings. If hearing(s) held, records should include:			x
- A description of the proceedings,		x	
- Any comments made, and		x	x
- Measures taken to address the comments.		x	
o A copy of the Final EIS (FEIS) written using the HUD format or equivalent according to 40 CFR 1502. The FEIS should include:			x
- Any response to comments received during the comment period.			
- A description of any public hearing(s) (NEPA, Sections 1502 and 1505, 24 CFR 58.62).			
- Evidence of compliance with applicable laws and authorities (24 CFR 58.66).			

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#### ENVIRONMENT

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Recipient records for environmental requirements compliance must satisfy State review requirements.

Explanation	Possible Type of Record		
	Review Checklist	Process Document	Source Document

To complete recipient records for environmental requirements, the ERR must contain the following documentation regarding the Release of Funds (ROF) and the certification approval:

- o Evidence documenting the date of:
  - Release of Funds x x
  - Submission of the certification to the State x x
- o Record of any objections received from agencies or the public during the State ROF process, and report on how they were addressed (24 CFR 58.76 and 58.77 (a) and (b)). x x
- o A copy of the State notification of the Release of Funds. x
- o A copy of the State approval of certification. x
- o Record of the implementation of the environmental review decisions. x
- o Record of amendments to Environmental Review documents and written determinations by the certifying officer based on any reevaluation of assessment findings (24 CFR 58.47). x x x

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#### ENVIRONMENT

Suggested Activities: Review of Recipient Recordkeeping

#### REVIEW OF RECIPIENT RECORDKEEPING

##### SUGGESTED ACTIVITIES

- | Review Topic   | Suggested Review Focus   |
|--|--|
| <ul style="list-style-type: none"> <li>o Review recipient's compliance with public notice requirements.</li> </ul> | <ul style="list-style-type: none"> <li>o The reviewers should check the Environmental Review Record (ERR) for documentation verifying that the public comment period for the Notice of Intent to Request the Release of Funds (NOI/RROF) and the FONSI notice met the time requirements as cited in</li> </ul> |

24 CFR 58.45 and 58.46.

- o Review recipient's Environmental Impact Statement (EIS).
- o Review recipient's records of any discretionary public hearings and meetings.
- o Review recipient's records for any project which required an Environmental Impact Statement (EIS).
- o The reviewers should check the recipient's ERR for evidence that a Notice of Intent to Prepare an Environmental Impact Statement (NOI/EIS) was published at least 15 days before a scoping meeting.
- o The reviewers should check the ERR for projects which generated significant numbers of complaints, and ask:
  - Did the recipient elect to hold a public hearing?
  - Did the recipient comply with the 15-day notice requirement for public hearings?
- o The reviewers should examine the ERR to determine if substantial changes occurred in the proposed project which should have been treated in a Supplemental Environmental Impact Statement.

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Exhibit 3-3

Sample Form of the National Flood Insurance Program\*

P O L I C Y   D E C L A R A T I O N S

POLICY NUMBER FL2-0226-3478-1

POLICY TERM IS FROM: 04/20/89 TO 04/20/90

12:01 A.M. TIME AT THE INSURED PROPERTY LOCATION.

PAYOR IS INSURED

GRANTEE'S NAME AND ADDRESS  
COMMUNITY DEVELOPMENT AND HOME  
IMPROVEMENT AGENCY  
805 CHARTIERS AVE  
WATERTOWN, PA 15136

INSURED'S NAME AND ADDRESS  
JAMES BRENNAN  
800 RIVERSIDE AVE  
WATERTOWN, PA 151360

AMOUNT OF COVERAGE: BUILDING: \$60,000

CONTENTS: \$20,000

DESCRIPTION OF BUILDING AND CONTENTS

BUILDING: THREE OR MORE FLOORS WITH UNFINISHED BASEMENT  
A SINGLE FAMILY RESIDENCE

CONTENTS: CONTENTS ON FIRST FLOOR AND ABOVE

RATING DATA

COMMUNITY NAME: WATERTOWN, BOROUGH OF: COMMUNITY NUMBER: 420052

REGULAR PROGRAM - ZONE A

BUILDING WAS CONSTRUCTED OR SUBSTANTIALLY IMPROVED PRIOR TO 5/16/77

RATING - COVERAGE IN HUNDREDS OF DOLLARS

BUILDING AND CONTENTS COVERAGE IN FORCE

\*\*\*\*\*BASIC\*\*\*\*\*ADDITIONAL\*\*\*\*\*

	COVERAGE	RATE	PREMIUM	COVERAGE	RATE	PREMIUM	TOTAL PREMIUM
BLDG:	350	0.30 -	\$105.00	250	0.20 -	\$ 50.00	\$155.00
CONT:	100	0.40 -	\$ 40.00	100	0.15 -	\$ 15.00	\$ 55.00

PROPERTY ADDRESS	ANNUAL SUBTOTAL:	\$210.00
800 RIVERSIDE AVE	EXPENSE CONSTANT:	\$ 45.00
WATERTOWN, PA 15136	TOTAL PREMIUM PAID:	\$255.00

INSURANCE AGENT'S NAME AND ADDRESS

BOOZER INSURANCE AGENCY  
200 BROADWAY  
WATERTOWN, PA 15136

GRANTEE PROJECT NUMBER: 013 04844. THESE DECLARATIONS ARE AS OF APRIL 1989.

\*Similar forms which are issued by private-sector insurance companies under the "Write Your Own" program provide coverage under the National Flood Insurance Program.

Exhibit 3-5  
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Instructions for Certification for Grantees

RENTAL REHABILITATION PROGRAM (RRP)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with HUD's determination whether to enter into this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, HUD may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meaning set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact HUD for assistance in obtaining a copy of those regulations.

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Exhibit 3-5

Page 2

Instructions for Grantees (CONTINUED)

RENTAL REHABILITATION PROGRAM (RRP)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS

6. The prospective primary participant agrees by submitting this proposal that should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction unless authorized by HUD.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by HUD, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or involuntarily excluded from the covered transaction, unless it knows that the certification is



erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

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Exhibit 3-5

Page 3

Instructions for Grantees (CONTINUED)

RENTAL REHABILITATION PROGRAM (RRP)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction in addition to other remedies available to the Federal Government, the department of agency may terminate this transaction for cause or default.

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Exhibit 3-5

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RENTAL REHABILITATION PROGRAM (RRP)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS - PRIMARY COVERED  
TRANSACTIONS GRANTEES

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
  - (b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract

under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property:

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature \_\_\_\_\_  
Certifying Official

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Exhibit 3-6

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#### Instructions for Certification

##### FOR RRP CONTRACTORS/OWNERS

##### CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION -LOWER TIER COVERED TRANSACTIONS

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, HUD may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended,"

"ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meaning set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction unless authorized by HUD.

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Exhibit 3-6

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Instructions for RRP Contractors/Owners (CONTINUED)

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, HUD may pursue available remedies, including suspension and/or debarment.

RENTAL REHABILITATION PROGRAM (RRP)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS - LOWER TIER COVERED TRANSACTIONS  
RRP CONTRACTORS AND OWNERS

- (1) The prospective lower tier participant certifies, by submission of this proposal-that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature \_\_\_\_\_  
Certifying Official

CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS

- A. The grantee certifies that it will provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing a drug-free awareness program to inform employees about:
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employer in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

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- (e) Notifying HUD within 10 days after receiving notice under subparagraph (d)(2) from an employer or otherwise receiving actual notice of such conviction;
  - (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted:
    - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

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Exhibit 3-7

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PLACE OF PERFORMANCE

FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Name of Grantee: \_\_\_\_\_

Grant Program Name: \_\_\_\_\_

Grant Number: \_\_\_\_\_

Date: \_\_\_\_\_

The grantee shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

Place of Performance (include street address, city, county, state, zip code for each site):

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Total estimated number employees expected to be engaged in the performance of the grant at the site(s) noted above:

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Exhibit 3-8

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Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this

Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.