# Appendix G: Other Federal Requirements

Checklist G1: Guide for Review of Civil Rights-Related Program Requirements for the State Community Development Block Grant (CDBG-DR) Program

Checklist G2: Guide for Review of Civil Rights-Related Program Requirements for Section 504 of the Rehabilitation Act of 1973, as amended

Checklist G3: Guide for Review of Section 3 of the Housing and Urban Development Act of 1968

Checklist G4: Guide for Review of Labor Standards Administration

Checklist G5: Guide for Review of Flood Insurance Protection

## Checklist G1: Guide for Review of Civil Rights-Related Program Requirements for the State Community Development Block Grant (CDBG-DR) Program

|  |  |
| --- | --- |
| Name of Monitored Entity: |  |
| Project ID: |  |
| Name of Project: |  |
| Name of Reviewer: |  |
| Date Completed: |  |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, the Reviewer is to identify this as an issue to the Monitored Entity and transmit this Checklist to the State entity responsible for handling civil right violations for possible follow-up. All other questions (questions that do not contain the citation for the requirement) do not address requirements but are included to assist the reviewer in understanding the Monitored Entity's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. The Reviewer may raise negative conclusions to these questions to the Monitored Entity’s attention.

**Instructions:** This Checklist is designed to review the Community Development Block Grant Disaster Recovery (CDBG-DR) Monitored Entity’s records on the civil rights-related program requirements (CRRPRs) of the program, including records pertaining to its civil rights-related certifications The Checklist is divided into three sections: Analysis of Impediments to Fair Housing Choice; Record Keeping; and Local Record Keeping. Failure to maintain records is an indication of noncompliance with the CDBG-DR regulations governing record keeping. While a lack of documentation may not imply discrimination because the data is a basis for further investigating compliance with nondiscrimination requirements, the Reviewer is responsible for transmitting this completed Checklist (along with pertinent support documentation) to State entity responsible for handling civil right violations upon conclusion of the monitoring.

NOTE: To complete the civil rights-related review of the Monitored Entity, this Checklist is to be completed along with Checklist G2: Guide for Review of the Civil Rights-Related Program Requirements for Section 504 of the Rehabilitation Act of 1973, as amended, and Checklist G3: Guide for Review of Section 3 of the Housing and Urban Development Act of 1968.

**Questions:**

A. ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

1.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| a. Has the Monitored Entity completed an analysis of impediments to fair housing choice (AI)?  [24 CFR 91.325(a)(1)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |
| b. If the answer to “a” above is “Yes,” when was the AI completed? (Include date in response below.) | |
| **Describe Basis for Conclusion:** | |
|  | |

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the Monitored Entity have records regarding its certification to affirmativelyfurther fair housing (AFFH) which include: (a) a completed AI; and (b) information regarding the actions it has taken to address the effects of any impediments identified through the analysis? [24 CFR 91.325(a)(1) and 24 CFR 570.487(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based on this review, is there evidence that raises questions about the accuracy of the Monitored Entity’s certification to AFFH? (If yes, include in your response below, i.e., actions were inappropriate for identified impediments). | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

4.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| a. During the period reviewed, did the Monitored Entity maintain summary data by activity, on beneficiaries of, individuals participating in, and/or applicants for the program, broken out by: (a) race and ethnicity; and (b) gender characteristics? [24 CFR 570.490(a) and 24 CFR 91.520(a) and (b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| b. Are the race and ethnicity data included on Form HUD-27061, “Racial and Ethnic Data Reporting Form?” | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

c. local record keeping

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For the period reviewed, did the Monitored Entity maintain documentation on their past or planned action(s) to AFFH, including:  (a) whether the units of local government have completed their own AIs?  (b) whether the units of local government have records documenting their AIs and the actions taken to remedy or ameliorate impediments to fair housing choice in the local government’s community?  [24 CFR 570.490(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

6.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For the period reviewed, did the Monitored Entity maintain data on the racial, ethnic and gender characteristics of persons who are applicants for, participants in, or beneficiaries of, programs or activities funded in whole or in part with CDBG-DR funds (using Form HUD-27061)?  [24 CFR 570.490(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

D. DISPLACEMENT AND RELOCATION

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For the time period reviewed, did the Monitored Entity maintain records on households displaced by CDBG-DR funded activities, which included:   1. race and ethnicity; 2. gender and single heads of households; and 3. addresses and census tracts of the housing units to which each displaced household relocated?   [24 CFR 570.488] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

## Checklist G2: Guide for Review of Civil Rights-Related Program Requirements for Section 504 of the Rehabilitation Act of 1973, as amended

|  |  |
| --- | --- |
| Name of Monitored Entity: |  |
| Project ID: |  |
| Name of Project: |  |
| Name of Reviewer: |  |
| Date Completed: |  |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, the Reviewer is to identify this as an issue to the Monitored Entity and transmit this Checklist to the State entity responsible for handling civil right violations for possible follow-up. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the Reviewer in understanding the Monitored Entity’s program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. The Reviewer may bring negative conclusions to these questions to the Monitored Entity.

**Instructions:** This Checklist is designed to assess the Monitored Entity’s compliance with four requirements under Section 504 of the Rehabilitation Act of 1973. (See CPD’s annual update to CPD Notice 00-10, issued December 26, 2000 on “Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and their applicability tohousing programs funded by the Community Development Block Grant Program.”) This review should be conducted in conjunction with review of the CDBG State program. Areas included in this Checklist are:

* program accessibility for housing and non-housing facilities;
* communications;
* records on disability status; and
* subrecipient monitoring.

These requirements are based on the regulations governing Section 504 of the Rehabilitation Act of 1973 (24 CFR 8), the Fair Housing Act (24 CFR 100), and the Uniform Federal Accessibility Standards (UFAS) (24 CFR 8.32 and Appendix A to 24 CFR 40). the reviewer should note any apparent obstacles to accessibility.

Regarding compliance with Section 504 communications provisions, 24 CFR 8.6 requires the Monitored Entity to take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public. In effect, this means that, “to the maximum extent possible,” persons with disabilities receive the benefits and services of the program or activity. Monitored Entities are not, however, required to take actions that can be demonstrated to result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens.

With respect to the accessibility of non-housing facilities, 24 CFR 8.21 and 8.32(a) requires the design and construction of all new non-housing facilities to be readily accessible to, and usable by, persons with disabilities. The regulations also require alterations to existing non-housing facilities to make such facilities accessible to, and usable by, persons with disabilities, unless such alterations result in a fundamental change to the nature of the program or an undue financial and administrative burden.

Program accessibility requirements under Section 504, at 24 CFR 8.4 and 8.20, call for the Monitored Entity to operate its non-housing programs or activities in ways that make them readily accessible to, and usable by, persons with disabilities, unless it can be demonstrated that the actions taken to make these programs accessible would fundamentally change the nature of the program or impose undue financial or administrative burdens.

Section 504 record keeping requirements (at 24 CFR 8.55) are to be reviewed by examining applicable records maintained by the Monitored Entity and determining that, not only are such records available, but that they correspond to information contained in performance and other reports submitted to the Grantee, as applicable.

Failure to maintain records is an indication of noncompliance with regulations governing record keeping. While a lack of documentation may not imply discrimination, because the Monitored Entity’s data are a basis for further investigating compliance with nondiscrimination requirements, the Reviewer is responsible for transmitting this completed Checklist (including any supporting documentation) to State entity responsible for handling civil right violations upon completion of the monitoring).

**Questions:**

a. accessibility PROCEDURES

1.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For Monitored Entities with 15 or more employees, does the Monitored Entity have a formal, written grievance procedure for resolution of complaints alleging discrimination based on disability? (If yes, obtain copy for FHEO review of due process standards.)  [24 CFR 8.53(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

b. accessibility of non-housing facilities

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the Monitored Entity have documentation (e.g., blueprints and construction specifications) that all new non-housing facilities assisted with program funds are being designed and constructed to be readily accessible to, and usable by, persons with disabilities in conformance with accessibility requirements? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does a review of the Monitored Entity’s records indicate that, if any alterations have been made to existing non-housing facilities, that such alterations have made these facilities usable by, and accessible to, persons with disabilities? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

c. accessibility of housing programs

4.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does a review of the Monitored Entity’s policies and records indicate that programs or activities are readily accessible to, and usable by, persons with disabilities?  **NOTE**: A lack of records beyond 3 years is not a basis for a finding.  [24 CFR 8.4, 24 CFR 8.20, 24 CFR 8.21€(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

d. COMMUNICATIONS

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| a. Has the Monitored Entity taken steps to ensure effective communication with applicants, beneficiaries, and members of the public who have hearing, vision, or speech impairments using:  i. Qualified sign language and oral interpreters?  ii. Readers?  iii. Use of tapes?  iv. Braille materials?  v. TTD?  vi. Other (describe below)?  [24 CFR 8.6] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| b. If the answer to “a” above is “no,” describe the method(s) used by the Monitored Entity to facilitate effective communication. | |
| **Describe Basis for Conclusion:** | |
|  | |

6.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Has the Monitored Entity adopted and implemented procedures to ensure that interested persons (including those with impaired vision or hearing) can obtain information concerning the existence and location of accessible services, activities and facilities?  [24 CFR 8.6(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is there documentation to show steps that the Monitored Entity has undertaken to attract persons with disabilities, such as: making buildings more accessible to persons with physical disabilities; home visits to assist applicants for program benefits in filling out applications; supplying sign language interpreters for public meetings on issues relating to the Monitored Entity’s programs?  [24 CFR 8.54(b) and (c)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

E. RECORD KEEPING

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the Monitored Entity maintain data for compliance purposes showing the extent to which persons with disabilities are beneficiaries of the program(s) being reviewed?  [24 CFR 8.55 (b) and 24 CFR 8.121] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Are copies of the Section 504 Self-Evaluation Form and Transition Plan available for review? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is a copy of the “Reasonable Accommodation Policy” available for review? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

## Checklist G3: Guide for Review of Section 3 of the Housing and Urban Development Act of 1968

|  |  |
| --- | --- |
| Name of Monitored Entity: |  |
| Project ID: |  |
| Name of Project: |  |
| Name of Reviewer: |  |
| Date Completed: |  |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the Monitored Entity’s program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. The Reviewer may bring negative conclusions to these questions to the Monitored Entity’s attention.

**Instructions:** This Checklist is designed to examine the Monitored Entity’s records to determine the following:

* If the Monitored Entity implemented procedures to notify Section 3 residents and business concerns about employment, training, and contracting opportunities generated by its agency or covered contractors;
* If the Monitored Entity notified covered contractors and subrecipients about their responsibilities pursuant to Section 3;
* If the Section 3 Clause is included in covered contracts;
* If the Monitored Entity monitored its covered contractors for compliance with Section 3 and imposed penalties for noncompliance as appropriate;
* If the Monitored Entity or its contractors met the minimum numerical goals for employment and contracting opportunities;
* If an explanation was provided by Monitored Entities that failed to meet the minimum numerical goals for Section 3;
* If the annual Section 3 reporting requirements were met on a timely basis;

This Checklist is divided into six sections: Monitored Entity Responsibilities; Use of Section 3 Residents as Trainees; Use of Section 3 Residents as Employees; Contracts Awarded to Section 3 Business Concerns; Procurement Procedures; and Reporting and Recordkeeping.

TheReviewer is to respond to these questions by reviewing covered contracts and conducting interviews of Monitored Entity/subrecipient staff. Failure to maintain records is an indication of noncompliance with the record keeping requirements found at 24 CFR 135.92.

The Reviewer must complete this checklist; the checklist may not be forwarded or given to the Monitored Entity to complete on its own.[[1]](#footnote-1)\* When possible, any supporting materials provided as evidence of compliance (or noncompliance) with Section 3 shall be copied and retained in the official monitoring files and forwarded to FHEO for further action. This documentation must come from appropriate documents and be described in detail. Saying that the documentation came from the Monitored Entity’s own monitoring procedures or data forms, with no specification of what those procedures are, is not sufficient. Documentation based on “employee interviews” or by stating that issues with subrecipients are handled by “contract language” with the subrecipient is also not sufficient.

All Section 3 reporting must be done on form HUD-60002. Data in the format of DRGR, a Monitored Entity statement, or contract language is not a legitimate substitute, although data from these sources can be used to develop or complement the required data.

**Questions:**

A. GENERAL RESPONSIBILITIES

1.

|  |  |
| --- | --- |
| For the time period reviewed, did the Monitored Entity’s records include written procedures governing: | |
| a. How Section 3 **residents** are to be notified about employment and training opportunities generated by Monitored Entity or its contractors as a result of the expenditure of covered financial assistance? [24CFR 135.32 (a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. How Section 3 **business concerns** are to be notified about contracting (or subcontracting) opportunities generated by the Monitored Entity or its contractors involving covered financial assistance?  [24 CFR 135.32 (a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. How covered contractors and subrecipients are to be monitored for compliance with the requirements of Section 3? [24 CFR 135.32(d) and 24 CFR 135.32(f)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Steps taken by the Monitored Entity to facilitate meeting the minimum numerical goals for employment and contracting opportunities?  [24 CFR 135.32(c)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| e. Did the Monitored Entity provide evidence and/or documentation of the procedures described above? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

B. USE OF SECTION 3 RESIDENTS AND TRAINEES

2.

|  |  |
| --- | --- |
| For the time period reviewed, did the Monitored Entity’s records indicate: | |
| a. The total number of training positions generated by the Monitored Entity or its contractors? [24 CFR 135.34(a)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. The number of training positions generated by the Monitored Entity or its contractors identified above that was provided to Section 3 residents? [24 CFR 135.34(a)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Description of how the Monitored Entity or its contractors determined the eligibility for Section 3 residents?  [24 CFR 135.34(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

C. USE OF SECTION 3 RESIDENTS AS EMPLOYEES

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| a. The number of permanent full-time positions generated by the Monitored Entity or its contractors identified above that was filled by Section 3 residents? [24 CFR 135.30(b)(3)(iii)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Whether the minimum numerical goal for employment was met by the Monitored Entity or its contractors [30% of the aggregate number of new hires was Section 3 residents]? [24 CFR 135.30(b)(3)(iii)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. If the minimum numerical goal for employment was not met, did the Monitored Entity provide an explanation of why it was not feasible to meet the goal? [24 CFR 135.30(d)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

D. CONTRACT AWARDS TO SECTION 3 BUSINESS CONCERNS

4.

|  |  |
| --- | --- |
| For the time period reviewed, did the Monitored Entity’s records include information about: | |
| a. The total dollar amount of covered construction contracts generated as a result of the expenditure of covered financial assistance? [24 CFR 135.30(c)(1)] | |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |  |  | |  |  |  | |
| b. The total dollar amount of covered construction contracts (or subcontracts) listed above that were awarded to Section 3 business concerns? [24 CFR 135.30(c)(1)] | |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |  |  | |  |  |  | |
| c. Whether the minimum numerical goal for contracting was met by the Monitored Entity or its contractors [10% of the total dollar amount of covered construction contracts were awarded to Section 3 business concerns]? [24 CFR 135.30(c)(1)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. If the minimum numerical goal for construction contracts was not met, did the Monitored Entity provide an explanation of why it was not feasible to meet the goal? [24 CFR 135.30(d)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

5.

|  |  |
| --- | --- |
| For the time period reviewed, did the Monitored Entity’s records include information about: | |
| 1. The total dollar amount of covered **non-construction** contracts generated as a result of the expenditure of covered financial assistance?   [24 CFR 135.30(c)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. The total dollar amount of covered **non-construction** contracts (or subcontracts) listed above that were awarded to Section 3 business concerns? [24 CFR 135.30(c)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Description of how the Monitored Entity or its contractors determined the eligibility of Section 3 business concerns? [24 CFR 135.36(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Whether the minimum numerical goal for contracting was met by the Monitored Entity or its contractors [3% of the total dollar amount of covered **non-construction** contracts were awarded to Section 3 business concerns]?   [24 CFR 135.30(c)(2)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. If the minimum numerical goal for **non-construction** contracts was not met, did the Monitored Entity provide an explanation of why it was not feasible to meet the goal? [24 CFR 135.30(d)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

E. PROCUREMENT PROCEDURES

6.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| a. Monitoring covered contractors for compliance with Section 3? [24 CFR 135.32(d)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Whether covered solicitations (RFPs, RFQs, IFBs, etc.) contain the Section 3 clause found at 24 CFR 135.38 or otherwise indicates the applicability of Section 3 to the covered project? [24 CFR 135.32(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Whether the Section 3 clause found at 24 CFR 135.38 was included in all covered contracts that were reviewed? [24 CFR 135.32(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

F. REPORTING AND recordkeeping

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| a. Did the Monitored Entity provide evidence of the submission of a Section 3 Summary Report to the Grantee in accordance with program policies and procedures? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |
| b. For the time period reviewed, did the Monitored Entity’s records include documentation of the actions taken to comply with the Section 3 regulations? (Such documentation may include the results of the actions taken and any impediments encountered during the implementation of the program(s) covered by Section 3.) [24 CFR 135.32(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

## Checklist G4: Guide for Review of Labor Standards Administration

|  |  |
| --- | --- |
| Name of Monitored Entity: |  |
| Project ID: |  |
| Name of Project: |  |
| Name of Reviewer: |  |
| Date Completed: |  |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, handbook, Labor Relations Letter, NOFA, or grant agreement). If the requirement is not met, the Reviewer must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the Monitored Entity'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**."

**Instructions:** The Checklist is designed to assess the Monitored Entity’s compliance with the general administration and enforcement of Federal labor standards and reporting requirements. HUD does not prescribe a management system or file system that Monitored Entities must use; rather, each may devise any system that achieves program compliance. To this end, reviewers are encouraged to interview those staff members/positions identified in the Monitored Entity’s labor standards management procedures to determine the level of familiarity with their assigned roles and the execution of those roles as well as to review contract documents, files, and other records in responding to the questions in this Checklist.

**Questions:**

a. LABOR STANDARDS ADMINISTRATION AND ENFORCEMENT

1.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the Monitored Entity have staff designated for labor standards administration and enforcement? [Handbook 1344.1 REV-2, Paragraph 1-5(B)(1)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the Monitored Entity maintain full documentation attesting to all administrative and enforcement activities with respect to Federal labor standards requirements? [Handbook 1344.1, REV-2, Paragraph 1-5(B)(8)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based upon your review, is each contract evaluated for Davis-Bacon applicability? [Handbook 1344.1, REV-2, Paragraph 1-5(B)(4)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

4.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based upon your review, is a Davis-Bacon wage decision assigned to each covered contract? [Handbook 1344.1, REV-2, Paragraph 1-5(B)(4)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based upon your review, if an activity is covered by DBRA, is the assigned wage decision and HUD-4010, “Federal Labor Standards Provisions,” incorporated into each bid specification and/or contract?  [Handbook 1344.1, REV-2, Paragraph 1-5(B)(4)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

6.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based upon your review, is a labor standards enforcement file maintained for each covered contract? [Handbook 1344.1, REV-2, Paragraph 1-5(B)(8)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based upon your review, are contractor/subcontractor payrolls spot-checked for employer compliance? (HUD permits Monitored Entities to concentrate efforts where the greater likelihood of employer noncompliance is expected.)  [Handbook 1344.1, REV-2, Paragraph 1-5(B)(7)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based upon your review, are on-site employee interviews conducted with laborers and mechanics working on covered construction projects?  [Handbook 1344.1, REV-2, Paragraph 1-5(B)(6)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

B. summary

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based on your review of the Monitored Entity’s performance**,** is there a need for technical assistance concerning Davis-Bacon prevailing wage applicability or labor standards administration and enforcement? (If yes, describe the need(s) below and notify OLSE.) | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

## Checklist G5: Guide for Review of Flood Insurance Protection

|  |  |
| --- | --- |
| Name of Monitored Entity: |  |
| Project ID: |  |
| Name of Project: |  |
| Name of Reviewer: |  |
| Date Completed: |  |

**NOTE:** All questions that cover requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, the Reviewer must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the Monitored Entity'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.**"

**Instructions:** The Reviewer is to use this Checklist in monitoring for flood insurance protection. Noncompliance with Sections 102(a) or 202(a) of the Flood Disaster Protection Act or Section 582(a) of the National Flood Insurance Reform Act of 1994 is a finding. Examine a representative sample of Policy Declarations forms (or a paid receipt for the current annual premium and a copy of the application for flood insurance) to verify compliance with the statutorily-prescribed period and dollar amount of flood insurance coverage. The sampling is limited to the Special Flood Hazard Area (SFHA) and to any buildings or personal property therein that benefited from HUD financial assistance for acquisition or construction purposes (including rehabilitation) for which flood insurance protection is required. For loans, flood insurance coverage need not exceed the lesser of the project cost less estimated land cost or the outstanding principal balance of the loan and may not exceed the maximum limit of coverage made available by the National Flood Insurance Act (NFIA) with respect to the particular type of building involved (SF-Single Family; OR-Other Residential; NR-Non-Residential; or SB-Small Business); for grants, flood insurance is required for the total cost (federal and non-federal portion) of the project (excluding the cost of the land) and for the term that is the life of the building and the life of the personal property as long as it remains in the SFHA, regardless of the transfer of ownership of the building or personal property. The flood insurance references applicable to CDBG-DR are 24 CFR 570.605 - National Flood Insurance Program, 24 CFR 570.604 - Environmental Standards, 24 CFR 570.202(b)(7)(iii) - Types of Assistance (Flood Insurance Premiums), and 24 CFR 570.509(c)(4)(iv) - Grant Closeout Procedures. This Checklist is divided into four sections: Review for Compliance with Section 102(a); Review for Compliance with Section 202(a); Review for Compliance with Section 582(a); and Conclusion.

**Questions:**

A. REVIEW FOR COMPLIANCE WITH SECTION 102(a).

1.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For the time period reviewed, did the Monitored Entity have on file a current Policy Declarations form (or a paid receipt for the current annual premium and a copy of the application for flood insurance) for all SFHA buildings and personal property that were provided HUD financial assistance for acquisition or construction purposes (including rehabilitation)?  [Section 102(a) and 24 CFR 58.6(a); report finding in Section D.9] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

2. If the answer to question 1 above is “no,” summarize the Reviewer’s documentation for Question 1:

|  |
| --- |
| a. Attach a separate page that lists and describes each SFHA building and/or personal property that was provided HUD financial assistance for acquisition or construction purposes (including rehabilitation) for which the Monitored Entity lacks the current Policy Declarations form. The attachment is to provide the following information:  (1) Address of the SFHA building and/or personal property;  (2) Type of building use, if applicable (i.e., SFH, MFH, Commercial, Industrial, Public);  (3) Type of HUD assisted activity (i.e., new construction, rehabilitation, acquisition of an existing building or mobile home, purchase of insurable personal property, other-explain);  (4) Amount, date, and type of HUD funds provided to the property owner;  (5) The Monitored Entity’s explanation of its noncompliance; and  (6) The Monitored Entity’s explanation of its record keeping procedures that resulted in the noncompliance. |
| **Describe Basis for Conclusion:** |
|  |
| 1. What steps (if any) is the Monitored Entity taking to prevent any further occurrence of violations of Section 102(a)? |
| **Describe Basis for Conclusion:** |
|  |
| c. What kind of technical assistance would most benefit the Monitored Entity at this time? |
| **Describe Basis for Conclusion:** |
|  |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For the time period reviewed, did the Monitored Entity ensure compliance with ***the amount and duration*** of flood insurance coverage prescribed by Section 102(a) as evidenced in a current Policy Declarations form for each SFHA building and/or personal property that was provided HUD financial assistance for acquisition or construction purposes (including rehabilitation)?  [Section 102(a) & 24 CFR 58.6(a); report finding below in Section D.9.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

4. If the answer to question 3 above is “no,” summarize the HUD Reviewer’s documentation for Question 3:

|  |
| --- |
| a. Attach a separate page that lists and describes each SFHA building and/or personal property for which the current Policy Declarations form shows coverage lacking the amount of or duration for flood insurance coverage prescribed by Section 102(a). The attachment is to provide the following information:  (1) Address of the SFHA building and/or personal property;  (2) Current amount of coverage compared to the legally prescribed amount of coverage;  (3) Actual duration of coverage compared to legally prescribed duration of coverage;  (4) Type of building use, if applicable (i.e., SFH, MFH, Commercial, Industrial, Public);  (5) Type of HUD assisted activity (i.e., new construction, rehabilitation, acquisition of an existing building or mobile home, purchase of insurable personal property, other-explain);  (6) Amount, date, and type of HUD funds provided to the property owner;  (7) The Monitored Entity’s explanation of its noncompliance; and  (8) The Monitored Entity’s explanation of its record keeping procedures that resulted in the noncompliance. |
| **Describe Basis for Conclusion:** |
|  |
| b. What steps (if any) is the Monitored Entity taking to prevent any further occurrence of violations of Section 102(a) relating to the prescribed amount of coverage? |
| **Describe Basis for Conclusion:** |
| c. What kind of technical assistance would most benefit the Monitored Entity at this time? |
| **Describe Basis for Conclusion:** |
|  |

B. REVIEW FOR COMPLIANCE WITH SECTION 202(a).

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For the time period reviewed, did the Monitored Entity ensure that HUD financial assistance was not provided to a building for acquisition or construction purposes (including rehabilitation) or for personal property in a Special Flood Hazard Area during the period that the community was suspended from or not participating in the National Flood Insurance Program (NFIP)?  [Section 202(a) and 24 CFR 58.6(a); report finding below in Section D.10.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

6. If the answer to question 5 above is “no,” summarize the Reviewer’s documentation for Question 5:

|  |
| --- |
| a. What were the beginning and ending dates of the period of suspension or nonparticipation in the NFIP? |
| **Describe Basis for Conclusion:** |
|  |
| b. How many SFHA buildings and/or personal property were assisted by the Monitored Entity during this period and what was the total amount of HUD funds used for these buildings or personal property? Attach a separate page that lists and describes each SFHA building and personal property that was provided HUD financial assistance for acquisition or construction purposes (including rehabilitation). The attachment is to provide the following information:   1. Address of the SFHA building and/or personal property; 2. Type of building use, if applicable (i.e., SFH, MFH, Commercial, Industrial, Public, etc.); 3. Type of HUD assisted activity (i.e., new construction, rehabilitation, acquisition of an existing building or mobile home, purchase of insurable personal property, other- explain); 4. Amount, date, and type of HUD funds provided to the property owner; 5. The Monitored Entity’s explanation of its noncompliance; and 6. The Monitored Entity’s explanation of its record keeping procedures that resulted in the noncompliance. |
| **Describe Basis for Conclusion:** |
|  |
| c. What steps (if any) is the Monitored Entity taking to prevent any further occurrence of violations of Section 202(a)? |
| **Describe Basis for Conclusion:** |
|  |
| d. What steps (if any) is the Monitored Entity taking to support the community in overcoming its suspension or non-participation in the NFIP? |
| **Describe Basis for Conclusion:** |
|  |
| e. What kind of technical assistance would most benefit the Monitored Entity at this time? |
| **Describe Basis for Conclusion:** |
|  |

C. REVIEW FOR COMPLIANCE WITH SECTION 582(a).

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For the time period reviewed, did the Monitored Entity ensure that HUD flood disaster relief assistance was not provided to a SFHA building to make a payment (including any loan assistance payment) to a person for repair, replacement or restoration for flood damage to any personal, residential or commercial property if:  (1) the person has previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and  (2) the person failed to maintain flood insurance?  [Section 582(a) and 24 CFR 58.6(b); report finding below in Section D.11.] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

8. If the answer to question 7 above is “no,” summarize the Reviewer’s documentation for Question 7:

|  |
| --- |
| a. Attach a separate page that lists and describes each SFHA building and/or personal property for which a payment from HUD flood disaster relief assistance was made to a person for repair, replacement, or restoration of flood damage where the person previously received Federal flood disaster assistance requiring flood insurance and the person failed to maintain flood insurance. The attachment is to provide the following information:  (1) Address of the SFHA building and/or personal property;  (2) Type of building use, if applicable (i.e., SFH, MFH, Commercial, Industrial, Public);  (3) Type of HUD assisted activity (i.e., new construction, rehabilitation, acquisition of an existing building or mobile-home, purchase of insurable personal property, other- explain);  (4) Amount, date, and type of HUD funds provided to the property owner;  (5) The Monitored Entity’s explanation of its noncompliance; and  (6) The Monitored Entity’s explanation of its record keeping procedures that resulted in the noncompliance. |
| **Describe Basis for Conclusion:** |
|  |
| b. What steps (if any) is the Monitored Entity taking to prevent any further occurrence of violations of Section 582(a)? |
| **Describe Basis for Conclusion:** |
|  |
| c. What kind of technical assistance would most benefit the Monitored Entity at this time? |
| **Describe Basis for Conclusion:** |
|  |

D. CONCLUSION.   
For resolving findings of noncompliance, see section 27-9. Obtain a listing of assisted SFHA buildings and/or personal property in noncompliance with Sections 102(a), 202(a), or 582(a).

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based on the results of the review in Section A above, is the Monitored Entity in compliance with Section 102(a) of the Flood Disaster Protection Act? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based on the results of the review in Section B above, is the Monitored Entity in compliance with Section 202(a) of the Flood Disaster Protection Act? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

11.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Based on the results of the review in Section C above, is the Monitored entity in compliance with Section 582(a) of the National Flood Insurance Reform Act of 1994? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

12.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is the Monitored Entity in compliance with monitoring flood insurance coverage for affected property owners beyond the closeout agreement and in compliance with Section 102(a) of the Flood Disaster Protection Act? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

1. \* Asking the Monitored Entity to complete all, or part, of this Form is a violation of OMB requirements [↑](#footnote-ref-1)