# Appendix B: Activity Type Specific

Checklist B1: Guide for Review of Housing Rehabilitation and Reconstruction

Checklist B2: Guide for Review of New Construction of Housing

Checklist B3: Guide for Review of Flood Zone and Floodway Buyouts and Non-Buyout Acquisitions

Checklist B4: Guide for Review of Infrastructure

Checklist B5: Guide for Review of Economic Development

## Checklist B1: Guide for Review of Housing Rehabilitation and Reconstruction

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

**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, the Reviewer 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, the Reviewer must make a finding of noncompliance. All other questions may not address requirements but are included to assist the reviewer in understanding the grantee'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 Laws 115-23 and 115-56 (see applicable Federal Register Notices) and 24 CFR 570.495 for state grantees).

**Instructions:** This Checklist applies to housing rehabilitation and reconstruction activities funded under a CDBG disaster recovery (CDBG-DR) grant award.  It 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 program include both rehabilitation and reconstruction activities? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the program include single family units, multifamily units, or both? Are units rental, owner-occupied, or both? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

4.

|  |
| --- |
| Files reviewed (list all). |
| **List Files:** |
|

|  |  |  |
| --- | --- | --- |
| Activity name or number | Funds Expended ($) | Date of Expenditure (MM/DD/YYYY) |
|  |  |  |
|  |  |  |

 |

B. POLICIES AND PROCEDURES

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do written policies and procedures govern the program?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

6.

|  |
| --- |
| 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** |

 |
| c. Activities with costs reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers **not** be funded with CDBG-DR funds? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities to be CDBG-DR eligible?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. Activities to meet a national objective? If yes, list the acceptable national objective(s):  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures require that all reimbursement activities are consistent with HUD guidance for charging pre-award (‘reimbursement’) costs?[See CPD Notice 14-017, *Guidance for Charging Pre-Award Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants,* as may be amended*;* applicable to grants under Public Laws 115-23 and 115-56*.*] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| In particular, do the Monitored Entity’s policies and procedures require the following: |
| 1. Limit reimbursement activities to expenses incurred before the date on which the person or entity applied for CDBG-DR assistance?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Limit reimbursement activities to expenses incurred within one year after the date of the disaster, as applicable?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Ensure compliance with other federal cross-cutting requirements including Lead-Based Paint, Civil Rights, Uniform Relocation Act, and Davis Bacon, as described in the guidance?(see applicable Guides for Review of Civil Rights-Related Program Requirements; Guide for Review of Labor Standards Administration; Guides for Review of Lead-Based Paint Compliance; Guides for Review of Relocations and Real Property Acquisition for additional monitoring checklists) |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

8.

|  |
| --- |
| 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 71060)) 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 Laws 115-23 and 115-56 that the grantee has “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:** |
|  |

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures require compliance with HUD’s guidance when assisting applicants that declined SBA assistance? **NOTE:** This guidance is only applicable to applications processed by the grantee following the effective date of the guidance document (July 25, 2013).[See *HUD Guidance on Duplication of Benefit Requirements and Provision of CDBG Disaster Recovery Assistance*, published July 25, 2013, as may be amended.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| At a minimum, do the Monitored Entity’s policies and procedures describe or incorporate guidelines that achieve the following for each activity file: |
| 1. Identification of the circumstances under which applicants declined assistance?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Establishment of why CDBG-DR assistance is appropriate for applicants?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Determination of the amount of CDGB-DR assistance that is necessary and reasonable to assist applicants in achieving recovery? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures require all assisted households 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:** |
|  |

11.

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

12.

|  |
| --- |
| In regard to additional requirements on ***rehabilitation and reconstruction activities,*** as applicable,do the policies and procedures require: |
| 1. Activities to comply with green building standards?

[See applicable *Federal Register* notice(s); applicable to grants under Public Law 115-23 and 115-56] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Prohibit rehabilitation and reconstruction assistance for a second home? [See applicable *Federal Register* notice(s); applicable to grants under Public Laws 115-23 and 115-56] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

13.

|  |
| --- |
| In regard torequirements related to ***activities in floodplains,*** do the policies and procedures: |
| 1. For all properties located in a flood disaster area, require confirmation of compliance with Section 582(a) of the National flood Insurance Reform Act of 1994 [42 USC § 5154a(a)]? Specifically, a check to investigate whether the applicant at any time has received flood disaster assistance that was conditional on the person first having obtained flood insurance on the same property, but the person failed to obtain and maintain flood insurance as required under applicable Federal law on such property. If so, no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to that applicant for repair, replacement, or restoration for damage to such personal, residential, or commercial property.

**NOTE:** For review of compliance with Section 582(a), use Guide for Review of Flood Insurance Protection. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Allow activities to take place in an area delineated as a special flood hazard area (SFHA) according to FEMA’s most current flood advisory maps?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. If the answer to 12.b is “yes,” and if the activity constitutes financial assistance for acquisition or construction purposes, require owners of an assisted building or mobile home within an SFHA to obtain and maintain flood insurance?[See applicable *Federal Register* notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. If the answer to 12.b is “yes,” require activities within an SFHA to be designed or modified to minimize harm to or within floodplain in accordance with Executive Order 11988 and 24 CFR part 55? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. For residential structures financed under Public Laws 115-23 and 115-56, if the answer to 12.b is “yes,” require substantially improved housing within an SFHA to be elevated based on the requirements outlined in the applicable federal register notices? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer.[See applicable *Federal Register* notice(s); applicable to grants under Public Laws 115-23 and 115-56] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures include a method for determining whether applicants qualify for rehabilitation or reconstruction (e.g., what threshold of assistance triggers reconstruction)? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

15.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies allow tenants to be temporarily or permanently displaced? **If “yes,” ensure that the program is reviewed by the HUD Regional Relocation Specialist.**[49 CFR part 24] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

16.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures address monitoring funded activities (e.g., priority and/or frequency)?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

C. FILE REVIEW

17.

|  |
| --- |
| In regard to ***eligibility***, do reviewed activity files document: |
| 1. How the activities relate to the impact of the applicable disaster(s)?

[See applicable appropriation law and *Federal Register* notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Activities were located in an eligible jurisdiction?[See applicable appropriation law and *Federal Register* notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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?[See applicable appropriation law (e.g., Public Laws 115-23 and 115-56)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities met CDBG eligibility requirements?[42 USC § 5305 for state grantees; and applicable *Federal Register* for activities eligible by waiver for state grantees] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities were funded in accordance with HUD’s guidance for charging pre-award (‘reimbursement’) costs?

[Refer to Questions 6.a-c. See CPD Notice 14-017, *Guidance for Charging Pre-Award Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants, as may be amended;* applicable to grants under Public Laws 115-23 and 115-56*.*] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities were funded in accordance with the policies and procedures for the program (e.g., a grantee may only allow reconstruction for activities requiring a certain amount of CDBG-DR assistance)?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

18.

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

19.

|  |
| --- |
| In regard to the ***Low- and Moderate-Income Housing* *national objective***, do reviewed activity files document: |
| 1. For **single-family units**, households have incomes at or below 80 percent of the area median income if the activity is classified under the low- and moderate-income (LMI) national objective?

[24 CFR 570.483(b)(3) or 24 CFR 570.208(a)(3)]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. For **multi-family units**, if the structure contains two dwelling units, is at least one unit occupied by an LMI household? [24 CFR 570.483(b)(3) or 24 CFR 570.208(a)(3)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. For **multi-family units**, if the structure contains more than two dwelling units, are at least 51 percent of the units occupied by LMI households? *Activities that satisfy this standard will be considered to address the Low- and Moderate Income National Objective, “unless there is substantial evidence to the contrary.”***NOTE:** Some grantees have received an alternative requirement to determine whether an assisted multifamily property can meet the LMI national objective (see applicable *Federal Register* notice(s)). If this alternative requirement applies to the grantee, please check “n/a” in the boxes below, and list applicable *Federal Register* Notice and describe whether the grantee is adequately meeting its alternative requirement.[24 CFR 570.483(b)(3), 24 CFR 570.208(a)(3), or applicable *Federal Register* notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. For **rental units**, has a period of affordability been established for assisted properties? **NOTE:** Although the State CDBG regulations dictate that the LMI national objective for housing is met at *occupancy*, HUD encourages grantees to adopt and enforce periods of affordability for multifamily new construction projects. Due to the often-significant investment of CDBG funds, a period of affordability can ensure housing for LMI households remains available in disaster-affected counties. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**      |
|  |

20.

|  |
| --- |
| In regard to the ***Slum/Blight national objective***, do reviewed activity files document: |
| 1. The area meets the definition of a slum, blighted, deteriorated or deteriorating area under state or local law, if using the Slum/Blight national objective on an area basis?

[24 CFR 570.483 and 570.506, or 570.208 and 570.490] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. The rehabilitation *limited* to those conditions that are detrimental to public health and safety, if using the Slum/Blight national objective on a spot basis?[24 CFR 570.483 and 570.506, or 570.208 and 570.490] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**      |
|  |

21.

|  |
| --- |
| In regard to the ***Urgent Need national objective***, do reviewed activity files substantiate 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 570.483(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:** |

22.

|  |
| --- |
| 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, *Federal Register* noticepublished November 16, 2011 (76 FR 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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, *Federal Register* noticepublished November 16, 2011 (76 FR 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. That each applicant has entered into a signed agreement (e.g., subrogation agreement) to repay subsequent duplicative assistance?[See *Federal Register* noticepublished November 16, 2011 (76 FR 71060), as may be amended or incorporated into a *Federal Register* notice, for applicability] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. How the Monitored Entity implemented HUD guidance when assisting applicants that declined SBA assistance?**NOTE:** This guidance is only applicable to applications processed by the grantee following the effective date of the guidance document (July 25, 2013).[Refer to Questions 9.a-c. See *HUD Guidance on Duplication of Benefit Requirements and Provision of CDBG Disaster Recovery Assistance*, published July 25, 2013, as may be amended.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. If a DOB occurred after assistance was awarded, were funds recaptured in accordance with the agreement and the Monitored Entity’s policies and procedures?

[Refer to Question 10; see *Federal Register* noticepublished November 16, 2011 (76 FR 71060) for applicability] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

23.

|  |
| --- |
| In regard to additional requirements, as applicable, do reviewed activity files document: |
| 1. Compliance with requirements on ***rehabilitation and reconstruction activities*** policies and procedures?

[Refer to Questions 12.a-b.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Compliance with the requirements on ***activities in floodplains***? [Refer to Questions 13.a-e.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

24.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| In regard to ***relocation activities***, do reviewed activity files document compliance with the requirements at 24 CFR 570.606 regarding acquisition, displacement, relocation, and replacement housing? **If “no,” ensure that the program is reviewed by the HUD Regional Relocation Specialist.**[24 CFR 570.606(f), 24 CFR 570.488] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**      |

25.

|  |
| --- |
| For applicable Public Laws 115-23 and 115-56 grantees, as designated in the CDBG-DR improper payments protocol: |
| 1. Do reviewed files document that improper payments of CDBG-DR funds were not 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** |

 |
| 1. If the answer is “no,” is the Monitored Entity 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 below:**

|  |  |  |  |
| --- | --- | --- | --- |
| Activity name or number | Improper payment amount ($) | Type ofimproper payment | Corrective action |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |

 |
| *Please ensure that the activity names or numbers listed correspond with those listed in Section A, Question 4 of this Checklist.* |
| **Describe Basis for Conclusion:**       |

26.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Have reviewed activities been monitored by the Monitored Entity in accordance with its policies and procedures? [Refer to Question 16.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

D. REPORTING AND OVERSIGHT

27.

|  |
| --- |
| If the Monitored Entity is *not* administering the program, in regard to ***oversight***, is it: |
| 1. Providing the subrecipient or recipient with guidance and technical assistance in a timely and effective manner?

 [See applicable *Federal Register* notice, or for states, Section 106(d)(2)(c)(ii) of the HCDA, if this certification is not waived] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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** |

 |
| **Describe Basis for Conclusion:** |

28.

|  |
| --- |
| 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)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do quarterly performance reports correctly record the appropriate performance measures (e.g., the number of properties acquired)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR.  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do performance measures and projected end dates match the information in the program files?

**NOTE**: This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**      |

29.

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

## Checklist B2: Guide for Review of New Construction of Housing

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

**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, the Reviewer 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, the Reviewer must make a finding of noncompliance. All other questions may 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**" (24 CFR 570.900(b)(5) and 24 CFR 570.901 for entitlement and state grantees under Public Laws 115-23 and 115-56 (see applicable Federal Register notice(s)) and 24 CFR 570.495 for state grantees).

**Instructions:** This Checklist should be used to monitor new construction of housing activities carried out with CDBG Disaster Recovery (CDBG-DR) funds. This type of activity is generally ineligible in the traditional CDBG program, but CDBG-DR grants usually allow grantees to construct new housing. Review the applicable Federal Register notice to determine whether the grantee has received the necessary waiver to undertake the activity. The Checklist 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.

|  |
| --- |
| The use of CDBG disaster recovery funds for new housing construction is ineligible except under certain circumstances. |
| Is the new construction of housing an eligible use of CDBG-DR funds? In order for the activity to be eligible, the answer to one of the following must be “yes.” |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Is the entity carrying out the activity an eligible non-profit entity?

[A nonprofit eligible under Section 105(a)(15) of the HCD Act for state grantees] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Has HUD granted a CDBG-DR waiver or alternative requirement allowing new construction of housing?

[If the answer is “yes,” please list applicable Federal Register notice(s) below.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the program include single family units, multifamily units, or both? Are units rental, owner-occupied, or both? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

4.

|  |
| --- |
| Files reviewed (list all). |
| **List Files:** |
|

|  |  |  |
| --- | --- | --- |
| Activity name or number | Funds Expended ($) | Date of Expenditure (MM/DD/YYYY) |
|  |  |  |

 |

B. POLICIES AND PROCEDURES

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do written policies and procedures govern the program? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

6.

|  |
| --- |
| In regard to ***eligibility***, do the policies and procedures require: |
| 1. Activities to relate to the impact of the applicable disaster(s)?

**NOTE:** In general, new construction activities can be “tied” to the disaster if the disaster affected the quality, quantity, and/or affordability of the housing stock, causing that housing stock to be unable to meet post-disaster needs and population demands. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities to be located in a county that was Presidentially-declared as a major disaster?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities with costs reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers **not** be funded with CDBG-DR funds?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities to be CDBG-eligible?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. Activities to meet a national objective? If yes, list the acceptable national objective(s):  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

7.

|  |
| --- |
| 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 71060)) 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 the applicable Public Laws 115-23 and 115-56 that the grantee has “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:** |
|  |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures require all assisted households or entities 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 applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

9.

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

10.

|  |
| --- |
| In regard to ***new construction activities***,as applicable***,*** do the policies and procedures require: |
| 1. Activities to comply with green building standards?

[See applicable Federal Register notice(s), applicable under Public Laws 115-23 and 115-56)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Multi-family projects containing five or more units to meet the following accessibility requirements?[Section 504 of the Rehabilitation Act of 1973 and 24 CFR 8.22, Fair Housing Act] |
| * + 1. A minimum of five percent of total dwelling units (but not less than one unit) are accessible for individuals with mobility impairments?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| * + 1. An additional two percent of dwelling units (but not less than one) are accessible for persons with hearing or vision impairments?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| * + 1. Are all units made adaptable on the ground level or can be reached by an elevator?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

11.

|  |
| --- |
| In regard to ***activities in floodplains,*** do the policies and procedures: |
| 1. Allow activities to take place in an area delineated as a special flood hazard area (SFHA) according to FEMA’s most current flood advisory maps?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. If the answer to 11.a is “yes,” and if the activity constitutes financial assistance for acquisition or construction purposes, require owners of an assisted building or mobile home within a SFHA to obtain and maintain flood insurance? [See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. If the answer to 11.a is “yes,” require activities within a SFHA to be designed or modified to minimize harm to or within floodplains in accordance with Executive Order 11988 and 24 CFR part 55? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. For residential structures financed under the CDBG-DR program under an applicable appropriation law (Public Laws 115-23 and 115-56), if the answer to 11.a is “yes,” require new housing within a SFHA to be elevated to the specific height noted in the Federal Register Notice? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer.[See applicable Federal Register notice(s) under Public Laws 115-23 and 115-56)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

12.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures address monitoring funded activities (e.g., priority and/or frequency)? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

C. FILE REVIEW

13.

|  |
| --- |
| In regard to ***eligibility***, do reviewed activity files document: |
| 1. How the activities relate to the impact of the applicable disaster(s)?

[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities were located in an eligible county?

[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 115-23 and 115-56)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities met CDBG eligibility requirements?[Section 105 of the HCDA for states; activities eligible under 24 CFR part 570, subpart C for local governments; and the Federal Register for activities eligible by waiver for both] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. Activities were funded in accordance with the policies and procedures for new construction?[Refer to Section B above.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

15.

|  |
| --- |
| In regard to the ***Low- and Moderate-Income Housing* *national objective***, do reviewed activity files document: |
| 1. For **single-family units**, households have incomes at or below 80 percent of the area median income if the activity is classified under the low- and moderate-income (LMI) national objective?

[24 CFR 570.483(b)(3) or 24 CFR 570.208(a)(3)]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. For **multi-family units**, if the structure contains two dwelling units, is at least one unit occupied by a LMI household? [24 CFR 570.483(b)(3) or 24 CFR 570.208(a)(3)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. For **multi-family units**, if the structure contains more than two dwelling units, are at least 51 percent of the units occupied by LMI households? **NOTE:** Some grantees have received an alternative requirement to determine whether an assisted multifamily property can meet the LMI national objective (see applicable Federal Register notice(s)). If this alternative requirement applies to the grantee, please check “N/A,” and describe whether the grantee is adequately meeting its alternative requirement and the applicable Federal Register notice(s).[24 CFR 570.483(b)(3), 24 CFR 570.208(a)(3), or applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. For **rental units**, has a period of affordability been established for assisted properties? **NOTE:** Although the CDBG-DR regulations dictate that the LMI national objective for housing is met at *occupancy*, HUD encourages grantees to adopt and enforce periods of affordability for multifamily new construction projects. Due to the often-significant investment of CDBG-DR funds, a period of affordability can ensure housing for LMI households remains available in disaster-affected counties. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

16.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| In regard to the ***Slum/Blight national objective***, do reviewed activity files document that the area meets the definition of a slum, blighted, deteriorated or deteriorating area under state or local law, if using the Slum/Blight national objective on an area basis?[24 CFR 570.483 and 570.506, or 570.208 and 570.490] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**  |
|  |

17.

|  |
| --- |
| In regard 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 470.483(d) in an applicable Federal Register notice(s) 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:**  |
|  |

18.

|  |
| --- |
| 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, *Federal Register* noticepublished November 16, 2011 (76 FR 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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, *Federal Register* noticepublished November 16, 2011 (76 FR 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. That each applicant has entered into a signed agreement (e.g., subrogation agreement) to repay subsequent duplicative assistance?[See *Federal Register* noticepublished November 16, 2011 (76 FR 71060) as may be amended or incorporated into a *Federal Register* notice for applicability.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. If a DOB occurred after assistance was awarded, were funds recaptured in accordance with the agreement and the grantee’s policies and procedures?[Refer to Question 7; see *Federal Register* noticepublished November 16, 2011 (76 FR 71060) for applicability.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

19.

|  |
| --- |
| In regard to additional requirements, as applicable, do reviewed activity files document: |
| 1. Compliance with requirements on ***new construction activities*** policies and procedures?

[Refer to Question10. a.-b.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Compliance with the requirements on ***activities in floodplains*** policies and procedures? [Refer to Question 11.a-d.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

20.

|  |
| --- |
| For applicable Public Laws 115-23 and 115-56 grantees, as designated in the CDBG-DR improper payments protocol: |
| a. Do reviewed files document that improper payments of CDBG-DR funds were not 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 the answer to “a” above is “no,” 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 ofimproper payment | Corrective action  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

*Please ensure that the activity names or numbers listed correspond with those listed in Section A, Question 4 of this Checklist.* |
| **Describe Basis for Conclusion:** |

21.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Have reviewed activities been monitored by the grantee in accordance with its policies and procedures? [Refer to Question 12.]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

D. OVERSIGHT AND REPORTING

22.

|  |
| --- |
| If the grantee is *not* administering the program, in regard to ***oversight***, is it: |
| 1. Providing the subrecipient or subgrantee with guidance and technical assistance in a timely and effective manner?

 [See applicable Federal Register notice(s), or for states, Section 106(d)(2)(c)(ii) of the HCDA, if this certification is not waived.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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** |

 |
| **Describe Basis for Conclusion:** |
|  |

23.

|  |
| --- |
| 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)?

**NOTE**: This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do quarterly performance reports correctly record the appropriate performance measures (e.g., the number of properties acquired)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR.  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do performance measures and projected end dates match the information in the program files?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

24.

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

## Checklist B3: Guide for Review of Flood Zone and Floodway Buyouts and Non-Buyout Acquisitions

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

**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, the Reviewer 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, the Reviewer must make a finding of noncompliance. All other questions may 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**" (24 CFR 570.900(b)(5) and 24 CFR 570.901 for entitlement and state grantees under Public Laws 115-23 and 115-56 (Notice) and 24 CFR 570.495 for state grantees).

**Instructions:** This Checklist 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 Monitored Entity 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 Monitored Entity 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 a Relocation Specialist.

It is important to note that the HUD 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.

This Checklist 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 Checklist 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:**  |
|

|  |  |  |
| --- | --- | --- |
| Program 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-DR 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 71060)) 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 Laws 115-23 and 115-56 that the Monitored Entity 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? [See applicable Federal Register notice(s)]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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.*[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Make optional relocation assistance payments (if provided) in accordance with the optional relocation plan?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Ensure that activities will be in compliance with the grantee’s long-term redevelopment plans?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. If applicable, provide for a rehousing plan in accordance with a Stafford Act Section 414 waiver and alternative requirement?[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 115-23 or 115-56)?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?

[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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? [See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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?[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Prohibit participation for a “second home”, as defined in IRS Publication 936 (mortgage interest deductions)? [See applicable Federal Register notice(s)]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

C. FILE REVIEW

14.

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

15.

|  |
| --- |
| In regard to ***eligibility***, do reviewed activity files document: |
| 1. How the activities relate to the impact of the applicable disaster(s)?

[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Activities were located in an eligible county?[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities met CDBG eligibility requirements?[See applicable Federal Register notice(s), 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 Monitored Entity has an optional relocation plan, that optional relocation payments complied with the Monitored Entity’s plan?[See applicable Federal Register notice(s), 570.606, or Section 105(a)11 of the HCDA] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

16.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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 see applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

17.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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 Monitored Entity—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 see applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

18.

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

19.

|  |
| --- |
| In regard 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:** |
|  |

20.

|  |
| --- |
| 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 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 71060) 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 Monitored Entity’s policies and procedures?[Refer to Question 8; see Federal Register noticepublished November 16, 2011 (76 FR 71060) for applicability] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**  |

21.

|  |
| --- |
| In regard to the ***type of program***, do reviewed activity files document: |
| 1. Compliance with the Monitored Entity’s *non-buyout* *acquisition* policies and procedures?

[Refer to Question 12.]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Compliance with the Monitored Entity’s *buyout* program policies and procedures? [Refer to Question 13.]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Compliance with the Monitored Entity’s *Hazard Mitigation Grant Program* policies and procedures? [Refer to Question 14.]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**  |
|  |

D. OVERSIGHT AND REPORTING

22.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Have reviewed activities been monitored by the Monitored Entity in accordance with its policies and procedures?[Refer to Question 9.]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

23.

|  |
| --- |
| If the Monitored Entity is *not* administering the program, in regard to ***oversight***, is it:[24 CFR 570.501, 570.502, 570.503, and see applicable Federal Register notice(s)] |
| 1. Providing the contractors 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 contractors?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Enforcing contractual agreements, as applicable?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

24.

|  |
| --- |
| 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)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do quarterly performance reports correctly record the appropriate performance measures (e.g., the number of properties acquired)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR.  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do performance measures and projected end dates match the information in the program files?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

25.

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

## Checklist B4: Guide for Review of Infrastructure

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

**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, the Reviewer 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, the Reviewer must make a finding of noncompliance. All other questions may 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**" (24 CFR 570.900(b)(5) and 24 CFR 570.901 for entitlement and state grantees under Public Laws 115-23 and 115-56 (see applicable Federal Register notice(s)) and 24 CFR 570.495 for state grantees). ­­­

**Instructions:** This Checklist should be used to monitor infrastructure activities carried out with CDBG disaster recovery (CDBG-DR) funds. Generally, infrastructure activities are projects that involve the rehabilitation or construction of public facilities or public improvements. In some cases, the facilities or improvements may be designed to accomplish specific objectives related to critical infrastructure sectors (such as energy, communications, water and wastewater systems, transportation, and/or flood control). This Checklist is divided into 4 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 or activity?  |
|  |
|  |

2.

|  |
| --- |
| Provide a brief description of the program or activity.  |
|  |
|  |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the program or activity provide CDBG-DR funds for any building used for the general conduct of government? **NOTE:** Per the Housing and Community Development Act of 1974 (see 42 USC §5305(a)), buildings for the general conduct of government are ineligible for CDBG-DR funding, unless the restriction is waived. If the restriction is waived, reviewer should cite the appropriate Federal Register notice(s). [See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

4.

|  |
| --- |
| Files reviewed (list all). |
| **List Files:** |
|

|  |  |  |
| --- | --- | --- |
| Activity name or number | Funds Expended ($) | Date of Expenditure (MM/DD/YYYY) |
|  |  |  |
|  |  |  |

 |

B. POLICIES AND PROCEDURES

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do written policies and procedures govern the program or activity?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

6.

|  |
| --- |
| 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 jurisdiction that was Presidentially-declared as a major disaster? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Activities with costs reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers **not** be funded with CDBG-DR funds? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities to be CDBG-DR eligible? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. Activities to meet a national objective? If the answer is “yes,” list the acceptable national objective(s):  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Do the applicable federal register notices contain additional requirements for Major Infrastructure Projects? If the answer is “No”, move to #9.
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. If the answer to 7.a is “yes,” is the reviewed activity labeled a ***Covered infrastructure project*** in the Action Plan, as defined by the applicable Federal Registernotice(s), and thus approved by HUD?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. If the project is not identified as a “covered project,” does the documentation in the Monitored Entity’s project file support a determination that the project falls outside the “covered project” definition in the applicable Federal Registernotice(s)? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| If the policies and procedures allow CDBG-DR funds to be used as the non-federal match for a project funded by the U.S. Army Corps of Engineers, is the amount of CDBG-DR restricted to $250,000 or less?[42 USC § 5305] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

9.

|  |
| --- |
| 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 71060)) 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 Laws 115-23 and 115-56 that the Monitored Entity 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:** |
|  |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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 notice published November 16, 2011 for applicability.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

11.

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

12.

|  |
| --- |
| In regard to ***business*** ***assistance standards***, do the policies and procedures require: |
| 1. No assistance to be provided to private utilities?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. No assistance to be provided to a small business in the liquid fuel supply chain without an award agreement that requires the business to adopt measures to mitigate the impact of disasters of the liquid fuel supply chain?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

13.

|  |
| --- |
| In regard to ***activities in floodplains,*** do the policies and procedures: |
| 1. For all properties located in a flood disaster area, require confirmation of compliance with Section 582(a) of the National Flood Insurance Reform Act of 1994 [42 USC § 5154a(a)]? Specifically, a check to investigate whether the applicant at any time has received flood disaster assistance that was conditional on the person first having obtained flood insurance on the same property, but the person failed to obtain and maintain flood insurance as required under applicable Federal law on such property. If so, no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to that applicant for repair, replacement, or restoration for damage to such personal, residential, or commercial property.

**NOTE:** For review of compliance with Section 582(a), use Guide for Review of Flood Insurance Protection and refer to Section 40(b)(2) of February 9, 2018 Federal Register notice. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Allow activities to take place in an area delineated as a special flood hazard area (SFHA) according to FEMA’s most current flood advisory maps?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. If the answer to 14.b is “yes,” and if the activity constitutes financial assistance for acquisition or construction purposes, require owners of an assisted building or mobile home within an SFHA to obtain and maintain flood insurance?[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. If the answer to 14.b is “yes,” require activities within an SFHA to be designed or modified to minimize harm to or within floodplains in accordance with Executive Order 11988 and 24 CFR part 55? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. For structures (as defined in 44 CFR 9.4) financed under Public Laws 115-23 and 115-56, if the answer to 14.b is “yes,” and if the structure is not for residential purposes, require new or substantially improved structures within an SFHA to be elevated or floodproofed based on the requirements in the applicable federal register notices? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| f. For structures (as defined in 44 CFR 9.4) financed under Public Laws 115-23 and 115-56, if the answer to 14.b is “yes,” and if the activity is a “critical action” as definedin 24 CFR 55.2(b)(3) (e.g., structures that store flammable or toxic materials or vital records, provide utility or emergency services, or are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during hazardous flood scenarios), require new or substantially improved structures within an SFHA to be elevated based on the requirements outlined in the applicable federal register notice? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures address monitoring funded activities (e.g., priority and/or frequency)?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

C. FILE REVIEW

15.

|  |
| --- |
| In regard to ***eligibility***, do reviewed activity files document: |
| 1. How the activities relate to the impact of the applicable disaster(s)?

[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Activities were located in an eligible county?[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 115-23 and 115-56)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities met CDBG eligibility requirements?[Section 105 of the HCDA for states; activities eligible under 24 CFR part 570, subpart C for local governments; and the *Federal Register* for activities eligible by waiver for both] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. Activities were funded in accordance with the program or activity policies and procedures? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

16.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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 see applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

17.

|  |
| --- |
| In regard to the ***Low- and Moderate-Income national objective***, do reviewed activity files document: |
| 1. The appropriate service area, and that census tract and block group data, or survey results, for activities meeting the low- and moderate- income (LMI) area benefit national objective?

[24 CFR 570.483(b)(1)(i) or 24 CFR 570.208(a)(1)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Activity creates or retains permanent jobs, at least 51% of which, on a full time equivalent (FTE) basis, are either held by LMI persons or considered to be available to LMI persons, for activities meeting the LMI Jobs benefit national objective?[24 CFR 570.208(a)(4)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

18.

|  |
| --- |
| In regard to the ***Slum/Blight national objective***, do reviewed activity files document: |
| 1. The area meets the definition of a slum, blighted, deteriorated or deteriorating area under state or local law if using the Slum/Blight national objective on an area basis?

[24 CFR 570.483 and 570.490, or 570.208 and 570.506] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. If rehabilitation is also undertaken with CDBG-DR funds, the rehabilitation is *limited* to those conditions that are detrimental to public health and safety, if using the Slum/Blight national objective on a spot basis?[24 CFR 570.483 and 570.506, or 570.208 and 570.490] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

19.

|  |
| --- |
| In regard 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 470.483(d) in an applicable Federal Register notice(s) 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:** |
|  |

20.

|  |
| --- |
| In regard to additional requirements, as applicable, do reviewed activity files document: |
| 1. Compliance with required ***infrastructure standards*** policies and procedures?

[Refer to Questions 7 and 8.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Compliance with required ***business assistance standards*** policies and procedures?[Refer to Question 13.a-b.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Compliance with the requirements on ***activities in*** ***floodplains***? [Refer to Question 14.a-f.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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, *Federal Register* noticepublished November 16, 2011 (76 FR 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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, *Federal Register* noticepublished November 16, 2011 (76 FR 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. That each applicant has entered into a signed agreement (e.g., subrogation agreement) to repay subsequent duplicative assistance?[See *Federal Register* noticepublished November 16, 2011 (76 FR 71060) as may be amended or incorporated into a *Federal Register* notice for applicability.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. If a DOB occurred after assistance was awarded, were funds recaptured in accordance with the agreement and the grantee’s policies and procedures?[Refer to Question 11; see *Federal Register* noticepublished November 16, 2011 (76 FR 71060) for applicability.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

22.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Do reviewed files document that improper payments of CDBG-DR funds were not 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** |

 |
| 1. If the answer is “no,” is the Monitored Entity 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 ofimproper payment | Corrective action  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

 |
| *Please ensure that the activity names or numbers listed correspond with those listed in Section A, Question 4 of this Checklist.* |
| **Describe Basis for Conclusion:** |
|  |

23.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Have reviewed activities been monitored by the Monitored Entity in accordance with its policies and procedures? [Refer to Question 15.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

D. OVERSIGHT AND REPORTING

24.

|  |
| --- |
| If the grantee is *not* administering the program or activity, in regard to ***oversight***, is it: |
| a. Providing the subrecipient or recipient with guidance and technical assistance in a timely and effective manner? [See applicable Federal Register notice(s); or for states, Section 106(d)(2)(c)(ii) of the HCDA, if this certification is not waived] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. 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 recipient?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

25.

|  |
| --- |
| 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)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do quarterly performance reports correctly record the appropriate performance measures (e.g., the number of properties acquired)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR.  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do performance measures and projected end dates match the information in the program or activity files?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

26.

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

## Checklist B5: Guide for Review of Economic Development

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

**Instructions:** This Checklist should be used to monitor economic development activities carried out with CDBG disaster recovery (CDBG-DR) funds. The Checklist is divided into four sections: Scope of Review; Policies and Procedures; File Review; and Reporting and Oversight. As most CDBG-DR grantees receive waivers for public benefit standards applicable to economic development activities, the reviewer should consider any applicable *Federal Register* notices when responding to the questions below.

**Questions:**

1. SCOPE OF REVIEW

1.

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

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Has HUD granted a public benefit waiverfor certain economic development activities for the program under review?

[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Has HUD granted a waiverfor activities in support of the tourism industry for the program under review?

[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

3.

|  |
| --- |
| Provide a brief description of the program.  |
|  |

4.

|  |
| --- |
| Files reviewed (list all). |
| **List Files:** |
|

|  |  |  |
| --- | --- | --- |
| Activity name or number | Funds Expended ($) | Date of Expenditure (MM/DD/YYYY) |
|  |  |  |
|  |  |  |

 |

B. POLICIES AND PROCEDURES

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do written policies and procedures govern the program? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

6.

|  |
| --- |
| 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 jurisdiction that was Presidentially-declared as a major disaster? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities with costs reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers, not be funded with CDBG-DR funds?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities to be CDBG-DR eligible?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. Activities to meet a national objective? If yes, list the acceptable national objective(s):  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures require that all reimbursement activities are consistent with HUD guidance for charging pre-award (‘reimbursement’) costs?[See CPD Notice 14-017, *Guidance for Charging Pre-Award Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants,* as may be amended*;* applicable to grants under Public Laws 113-2.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| In particular, do the Monitored Entity’s policies and procedures require the following: |
| 1. Limit reimbursement activities to expenses incurred before the date on which the person or entity applied for CDBG-DR assistance?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Limit reimbursement activities to expenses incurred within one year after the date of the disaster, as applicable?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Ensure compliance with other federal cross-cutting requirements including Lead-Based Paint, Civil Rights, Uniform Relocation Act, and Davis Bacon, as described in the guidance?

(See Guides for Review of Lead-Based Paint Compliance and Guides for Relocation and Real Property Acquisition for additional monitoring checklists) |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

8.

|  |
| --- |
| 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 71060)) 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 Laws 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.] |
| a. 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:** |
|  |

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures require compliance with HUD’s guidance when assisting applicants that declined SBA assistance to ensure expenditures are for “necessary costs” of recovery, as required by Public Laws 115-23 and 115-56 (and other supplemental appropriations, as applicable)? [See *HUD Guidance on Duplication of Benefit Requirements and Provision of CDBG Disaster Recovery Assistance*, published July 25, 2013, as may be amended.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Identification of the circumstances under which applicants declined assistance?

**NOTE:** This guidance is only applicable to applications processed by the grantee following the effective date of the guidance document (July 25, 2013). For grants in which programs were added after the *Federal Register* notice published November 16, 2011 (76 FR 71060), the requirements of that notice are applicable to applications for the added program. For grantee programs pre-dating this *Federal Register notice*, grantees must comply with section 312 of the Stafford Act and the applicable CDBG-DR appropriation statute. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Establishment of why CDBG-DR assistance is appropriate when assisting applicants that declined SBA assistance?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Determination of the amount of CDGB-DR assistance that is necessary and reasonable to assist applicants in achieving recovery? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

10.

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

11.

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

12.

|  |
| --- |
| In regard to requirements on ***business*** ***assistance***, as applicable, do the policies and procedures require: |
| 1. Grantee and/or Sub-recipient to conduct basic financial underwriting prior to providing assistance to a for-profit business?

[24 CFR 570.209(a), or 24 CFR 570.482(e), 24 CFR Part 570] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Assistance to be limited to small businesses?

[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. No assistance to be provided to private utilities? [See Federal Register notice(s) for applicability] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. No assistance to be provided to a small business in the liquid fuel supply chain without an award agreement that requires the business to adopt measures to mitigate the impact of future disasters of the liquid fuel supply chain? [See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. No assistance to be provided to any business (operating in the covered disaster area before the incident date of the applicable disaster, but now located in another state or labor market area) to encourage relocation back to the affected area?**NOTE:** Except in cases in which the grantee received a waiver and modification of the job relocation clause Section 105(h) of the HCDA, 24 CFR 570.210 and 24 CFR 570.482(h) are waived for all recent CDBG-DR supplementals and for most states in older supplemental appropriations to allow a grantee to provide assistance to any business that was operating in the disaster-declared labor market area before the incident date of the applicable disaster and has since moved, in whole or in part, from the affected area to another State or to a labor market area within the same State to continue business. [42 U.S.C. 5305(h), section 105(h) of the HCDA, 24 CFR 570.210, and 24 CFR 570.482(h), and applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

13.

|  |
| --- |
| In regard to ***activities in floodplains,*** do the policies and procedures: |
| 1. For all properties located in a flood disaster area, require confirmation of compliance with Section 582(a) of the National flood Insurance Reform Act of 1994 [42 USC § 5154a(a)]? Specifically, a check to investigate whether the applicant at any time has received flood disaster assistance that was conditional on the person first having obtained flood insurance on the same property, but the person failed to obtain and maintain flood insurance as required under applicable Federal law on such property. If so, no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to that applicant for repair, replacement, or restoration for damage to such personal, residential, or commercial property.

**NOTE:** For review of compliance with Section 582(a), use Guide for Review of Flood Insurance Protection. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Allow activities to take place in an area delineated as a special flood hazard area (SFHA) according to FEMA’s most current flood advisory maps?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. If the answer to 13.b is “yes,” and if the activity constitutes financial assistance for acquisition or construction purposes, require owners of an assisted building or mobile home within an SFHA to obtain and maintain flood insurance? [See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. If the answer to 13.b is “yes,” require activities within an SFHA to be designed or modified to minimize harm to or within floodplains in accordance with Executive Order 11988 and 24 CFR part 55? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. For structures (as defined in 44 CFR 9.4) financed under Public Laws 115-23 and 115-56, if the answer to 13.b is “yes,” and if the structure is not for residential purposes, require new or substantially improved structures within an SFHA to be elevated or floodproofed based on the requirements outlined in the applicable federal register notice? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer.[See applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| f. For structures (as defined in 44 CFR 9.4) financed under Public Law 115-23 and 115-56, if the answer to 13.b is “yes,” and if the activity is a “critical action” as defined in 24 CFR 55.2(b)(3) (e.g., structures that store flammable or toxic materials or vital records, provide utility or emergency services, or are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during hazardous flood scenarios), require new or substantially improved structures within an SFHA to be elevated based on the requirements outlined in the applicable federal register notice? If the answer is “no,” reviewer should consult with the regional HUD Environment Officer.[See applicable Federal Register notice(s) for applicability] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the policies and procedures address monitoring funded activities (e.g., priority and/or frequency)?  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

1. FILE REVIEW

15.

|  |
| --- |
| In regard to ***eligibility***, do reviewed activity files document: |
| 1. How the activities relate to the impact of the applicable disaster(s)?

[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Activities were located in an eligible jurisdiction?[See applicable appropriation law and Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 115-23 and 115-56] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. Activities met CDBG eligibility requirements?[Section 105 of the HCDA for states; 24 CFR part 570, subpart C for local governments; and the Federal Register for activities eligible by waiver for both] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Activities were funded in accordance with HUD’s guidance for charging pre-award (‘reimbursement’) costs?

[Refer to Questions 7.a-c. See CPD Notice 14-017, *Guidance for Charging Pre-Award Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants, as may be amended; only* applicable to Public Laws 115-32 grantees*.*] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| f. Activities were funded in accordance with the policies and procedures for economic development or, if a tourism waiver was granted (refer to Question 2.a) and grantee is carrying out activities under the waiver, for such tourism activities?[24 CFR 570.489(k) or 570.505; also see applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |

16.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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(s)]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

17.

|  |
| --- |
| In regard to the ***Low- and Moderate-Income Jobs national objective***, do reviewed activity files document: |
| a. Did the grantee receive the waiver allowing it to apply individual salaries or wages-per-job, and the income limits, for a household of one? [See applicable Federal Register notice(s)]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. If the answer to “b” above is “no,” has the grantee (and/or subrecipient) demonstrated Low- and Moderate-Income (LMI) Jobs using total household income and total household size?[24 CFR 570.483 and 570.490, or 570.208 and570.506, or applicable Federal Register notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

18.

|  |
| --- |
| In regard to the ***Slum/Blight national objective***, do reviewed activity files document: |
| 1. The area meets the definition of a slum, blighted, deteriorated or deteriorating area under state or local law, if using the Slum/Blight national objective on an area basis?

[24 CFR 570.483 and 570.506, or 570.208 and 570.490] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. The activity is *limited* to those conditions that are detrimental to public health and safety, if using the Slum/Blight national objective on a spot basis?[24 CFR 570.483 and 570.506, or 570.208 and 570.490] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

19.

|  |
| --- |
| In regard 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 470.483(d) in an applicable Federal Register notice(s) 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:** |
|  |

20.

|  |
| --- |
| In regard to the ***public benefit standard***, do the reviewed activity files document:  |
| 1. If the answer to Question 2.a above is “yes,” (dollar thresholds associated with public benefits standards have been waived, and grantee is required to report and maintain documentation), the creation and retention of:

(1) total jobs, (2) number of jobs within certain salary ranges,  (3) average amount of assistance per job and activity or program, and  (4) the types of jobs? [See applicable *Federal Register* notice(s)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. If the answer to Question 2.a above is “no,” are the public benefit standards being met? [24 CFR 570.482(f) or 570.209]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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 71060)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. That each applicant has entered into a signed agreement (e.g., subrogation agreement) to repay subsequent duplicative assistance?[See noticepublished November 16, 2011 (76 FR 71060) for applicability, as may be amended or incorporated into a Federal Register notice.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| d. How the grantee implemented HUD guidance when assisting applicants that declined SBA assistance?**NOTE:** This guidance is only applicable to applications processed by the grantee following the effective date of the guidance document (July 25, 2013).[See *HUD Guidance on Duplication of Benefit Requirements and Provision of CDBG Disaster Recovery Assistance*, published July 25, 2013, as may be amended.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| e. If a DOB occurred after assistance was awarded, were funds recaptured in accordance with the agreement and the grantee’s policies and procedures?[Refer to Question 9; see *Federal Register* noticepublished November 16, 2011 (76 FR 71060) for applicability.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

22.

|  |
| --- |
| In regard to additional requirements, as applicable, do reviewed activity files document: |
| 1. Compliance with the requirements on ***business assistance*** policies and procedures?

[Refer to Question 12.a-e.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Compliance with the requirements on ***activities in*** ***floodplains***? [Refer to Question 13.a-f.] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

23.

|  |
| --- |
| For applicable Public Laws 115-23 and 115-56 grantees, as designated in the CDBG-DR improper payments protocol: |
| 1. Do reviewed files document that improper payments of CDBG-DR funds were not 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** |

 |
| 1. If the answer is “no,” is the Monitored Entity 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 below:**

|  |  |  |  |
| --- | --- | --- | --- |
| Activity name or number | Improper payment amount ($) | Type ofimproper payment | Corrective action  |
|  |  |  |  |
|  |  |  |  |

 |
| *Please ensure that the activity names or numbers listed correspond with those listed in Section A, Question 4 of this Checklist.* |
| **Describe Basis for Conclusion:** |

24.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Have reviewed activities been monitored by the Monitored Entity in accordance with its policies and procedures? [Refer to Question 14.]  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:** |
|  |

D. OVERSIGHT AND REPORTING

25.

|  |
| --- |
| If the grantee is *not* administering the program, in regard to ***oversight***, is it: |
| 1. Providing the subrecipient or subgrantee with guidance and technical assistance in a timely and effective manner?

[Applicable *Federal Register* notice, or for states, Section 106(d)(2)(c)(ii) of the HCDA if this certification is not waived] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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** |

 |
| **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)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do quarterly performance reports correctly record the appropriate performance measures (e.g., the number of properties acquired)?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR.  |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Do performance measures and projected end dates match the information in the program files?

**NOTE:** This is for internal review purposes only and will not result in a finding against the Monitored Entity as they do not have access to DRGR. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **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:** |