



**Homes and
Community Renewal**

Community Development Block Grant

Grant Implementation Webinar

March 2, 2015

NYS CDBG Program

General Program Requirements

- Getting Started
- Environmental Review
- General Program Administration
- General Regulatory Compliance Procedures
- Financial Management
- Reporting Requirements
- Procurement
- Labor Standards Compliance
- Project Sign
- Property Acquisition and Management
- Displacement, Relocation and Replacement



Project Specific Requirements

- Housing Rehabilitation
- Home Ownership
- Public Infrastructure and Facilities
- Economic Development

Prepare for Monitoring

- Recipient Responsibilities

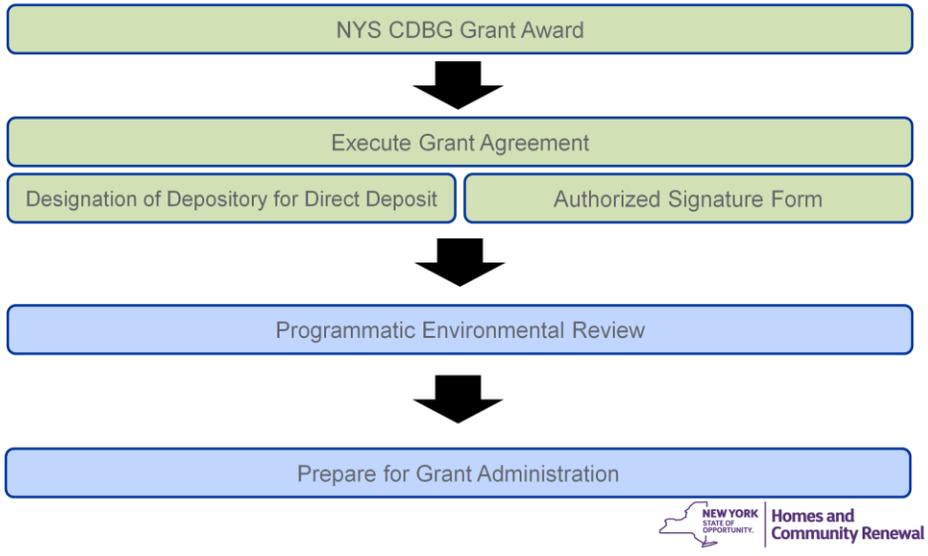


The program today will begin with the general CDBG program requirements identified here, then the presentation will move on to the project specific requirements, first for economic development and small business assistance and then the requirements for public facilities and public infrastructure.

There has been an overwhelming response to housing rehabilitation and home ownership assistance applications, these are in the process of being reviewed and a housing webinar will be held later in the year following housing assistance awards.

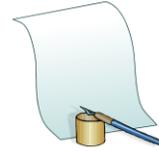
Getting Started

Getting Started



Here is a basic outline of the initial grant administration steps, and what we're about to discuss.

Getting Started



Grant Agreement

Grant agreements are issued following Housing Trust Fund Corporation Board approval.

The grant agreement is a contract between the Recipient and the Housing Trust Fund Corporation and will include:

- Standard terms and conditions for regulatory compliance
- Schedule A
 - Outlines any conditions (such as clarification of activity detail, surveys, financial commitments) that must be met prior to execution of the grant agreement.
- Schedule B
 - Outlines the proposed budget, proposed accomplishments and beneficiaries. May be revised if there are Schedule A conditions.
- Schedule C
 - Outlines the required procedures for completing and submitting the Environmental Review Record (ERR)



Grant Agreement:

- Must be submitted within 45 days of OCR's issuance of the grant agreement.
- Both copies must be signed by the chief elected official.
- Both copies of the grant agreement must be submitted in their entirety, including all schedules.

Schedule A:

- Outlines any conditions (such as clarification of activity detail, surveys, financial commitments) that must be met prior to execution of the grant agreement.
- The grant agreement will not be executed until the Schedule A conditions are submitted and approved by OCR.

Schedule B:

- Outlines the proposed budget, proposed accomplishments and beneficiaries.
- Review the Schedule B and if there are any issues notify your Developer immediately.
- May be revised if there are Schedule A conditions.

Schedule C:

- Description of the environmental review process.

Getting Started

Executing the Grant Agreement

- Must be submitted in its entirety, the due date was **February 2nd**.
 - Must be returned within 45 days of being issued by OCR.
 - Must be signed by the Chief Elected Official.
 - Required Documentation:
 - Form 1-1 Authorized Signature
 - Form 1-2 Designation of Depository
 - These documents are needed to electronically transfer funds
 - Form 7-2 Program Schedule
 - Form 8-1 Project Team
 - Schedule A
 - All conditions must be met before a Grant Agreement can be executed.
- ✓ The grant agreement establishes the two year time frame, from the date of award, without a guarantee of extension to expend all funds and report all accomplishments.



Along with both copies of the Grant Agreement, Recipients need to submit four forms:

- Form 1-1 Authorized Signature
- Form 1-2 Designation of Depository Form
- Form 7-2 Program Schedule Form
- Form 8-1 Project Team
- If the grant agreement includes a Schedule A Condition, this must be addressed as well. Failure to address the Schedule A Condition in a timely manner may result in a delay of the implementation of the project.

Grant agreements will not be fully executed until all required documentation is received.

Getting Started

Required Forms

- Form 1-1 Authorized Signature
 - Designates Authorized Signatories
 - These individuals will be responsible for signing the requests for funds.
 - At least one signature of a municipal employee or municipal official required. Cannot be the Chief Elected Official (CEO).
 - CEO must review and sign form **AFTER** designated signatories are determined.

✓ Form 1-1 must be submitted with original signatures.



To complete form 1-1 the designation of authorized signatures the recipient is required to:

- Designate the person or persons that will be authorized to submit request for funds from OCR.
- Two signatures recommended.
- If one signature required, must be a municipal employee or municipal official, however the CEO cannot be a signatory.
- If two signatures required, one may be that of a non-municipal employee, consultant or engineer. However the CEO cannot be an authorized signatory.
- The person or persons signing the local checks for expenditure of CDBG funds cannot be an authorized signatory.
- CEO must review and sign form AFTER designated signatories are determined.
- The more signatories authorized the less likely for delays.
- Signatures are verified as part of the request for funds approval process – if a name is changed, please update the form.
- Submit form with the original signature; no photo copies!

FORM 1-1
AUTHORIZED SIGNATURE FORM FOR REQUEST FOR FUNDS

Updated Information

Request Name	Project Number
Mailing Address	Contact Person (Name & Phone #)

Request for Funds requires (check one): ONE Signature TWO Signatures (recommended)

The signature of a municipal employee is required when a non-municipal employee is authorized to sign Request for Funds.

Person Authorized to Sign Request for Funds: At least one municipal employee must be authorized to request funds for the above Project Number. Chief Elected Officials cannot be authorized individuals.

1. _____ Date _____
 Signature _____ Title _____

2. _____ Date _____
 Signature _____ Title _____

3. _____ Date _____
 Signature _____ Title _____

4. _____ Date _____
 Signature _____ Title _____

I certify that the signatures above are the legal signatures of those municipal employees authorized to sign requests for NYSCRG funds from the Office of Community Renewal. **The Chief Elected Official may not sign this document prior to obtaining the signatures of authorized individuals.**

Signature of Chief Elected Official _____ Date (must be later than above dates) _____
 Name _____ Title _____

Office of Community Renewal (1/2009)


NEW YORK
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**Homes and
 Community Renewal**

This is Form 1-1, as indicated, the dates must be different.

Getting Started

Required Forms

- Form 1-2 Designation of Depository
 - Establish a Non-Interest Bearing Checking Account.
 - Must be established to allow for the transfer of NYS CDBG funds to the Recipient.
 - Multiple CDBG projects may go through a single account.
 - Municipality **must** maintain possession of the account including the checkbook and bank statements at all times.

- ✓ Form 1-2 must be submitted with original signatures
- ✓ Refer to OCR GAM Chapter 3 for further guidance on general financial management of NYS CDBG funds.



To complete form 1-2, the designation of depository the recipient is required to:

- Establish a separate non-interest bearing checking account.
- Must be established to allow for the transfer of NYS CDBG funds to the Recipient.
- Must be used for the deposit and disbursement of NYS CDBG funds only.
- Vendors are required to be paid from this account, do not transfer funds to a General Funds Account to pay vendors.
- Do not Co-mingle any non-CDBG funds including local general funds or CDBG program income funds in the same bank account.
- If a current account is established for other CDBG funds, this account may be used for this project. Municipal Account cannot be held by a subrecipient or consultant.
- Municipality must maintain possession of the account including the checkbook and bank statements at all times.
- Submit form with the original signatures; no photo copies!

Getting Started

Required Forms

- Form 7-2 Program Schedule
 - Identification and schedule of major milestones which may include:
 - Environmental review record
 - Release of funds
 - Schedule of construction or purchase of equipment
 - Estimated completion date
 - Description of the expenditure schedule

- ✓ Refer to OCR GAM Chapter 3 for further guidance on general financial management of NYS CDBG funds.



To complete form 7-2 the program schedule form the recipient will establish:

- The identification and schedule of major milestones which may include:
 - Environmental review record
 - Release of funds
 - Schedule of construction or purchase of equipment
 - Estimated completion date
- Description of the expenditure schedule

Getting Started

Required Forms

- Form 8-1 Project Team
 - To complete form 8-1 project team the recipient must identify:
 - Specific local grant contacts as applicable.

Form 8-1 Project Team

1. Municipal Information

Name	City/CTU		
Address			
C/T/V	State	NY ZIP + 4	
Phone	Fax		
Email			
Website			
IBN	DOBSS		
CDBG #	DOBSS		

2. Local Grant Contact other than CEO

Name	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

3. Chief Executive Officer (see www.nydhcr.org for more information on roles and titles)

Name	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

4. Municipal Clerk

Name	Title		
Address			
C/T/V	State	NY ZIP + 4	
Phone	Fax		
Email			

5. Municipal Treasurer or Chief Financial Officer

Name	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

6. Municipal Attorney

Name	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

7. Subrecipient
 *Legal services to be paid in whole or part with CDBG funds are subject to Federal Procurement
 Will any activities to be undertaken by a Subrecipient?
 Yes No To be selected If yes, complete this section

Name of Subrecipient	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

Project Team 1 11/2014

Form 8-1 Project Team

8. Fair Housing Officer

Name	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

Professional Services
 Please note, all professional services are required to be retained in compliance with Federal Procurement Guidelines at 24CFR88.38. Please refer to the OCR Grant Administration Manual Chapter 4 - Procurement for additional information.

9. Consultant
 Will the Recipient retained the services of a Consultant for all or part of any CDBG activity?
 Yes No To be selected If yes, complete this section

Name of Firm	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

10. Engineer
 Will the Recipient retain the services of an Engineer for all or part of any CDBG activity?
 Yes No To be selected If yes, complete this section

Municipal Employee

Name of Firm	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

11. Labor Standards Compliance Officer
 Will any CDBG activity be subject to Davis-Bacon Prevailing Wages?
 Yes No If yes, complete this section

Municipal Employee

Name	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			
General Decision Number			
Bid opening date			

12. Lead Based Paint Risk Assessor
 Will any CDBG activity be subject to Lead Based Paint Regulations at 24CFR Part 35 under 24CFR Part 161? Yes No To be selected If yes, complete this section

Name of Firm	Title		
Address			
C/T/V	State	ZIP + 4	
Phone	Fax		
Email			

Project Team 2 11/2014



This is Form 8-1, it is pretty much self explanatory.

The Local Grant Contact must be a municipal employee other than the CEO.

For the subrecipient, only provide this if it is a true subrecipient relationship.

This will be updated with the Annual Performance Report

All applicable Team Members must be provided, regardless of the source of funds or activity.

All CDBG funded projects are required to identify a Fair Housing Officer, regardless of the activity that is being undertaken.

Environmental Review

Environmental Review

Establish the Environmental Review Record (ERR)

The ERR may be comprised of one or more of the following:

- Form 2-1 Designation of Certifying Officer
- Form 2-3 Certification of NEPA Classification
- Form 2-3A Certification of SEQRA Classification
- Form 2-4 NEPA Classification Checklist
- Form 2-5 Statutory Checklist
- Form 2-5A Statutory Checklist
- Form 2-6 Environmental Assessment
- Exhibit 2-3 Notice of Intent to Request Release of Funds (NOIRROF)
- Exhibit 2-4 Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF)
- Exhibit 2-10 Early Notice and Public Review of Proposed Activity in the 100 year Floodplain
- Exhibit 2-11 Final Notice and Public Explanation of Proposed Activity in the 100 Year Floodplain
- Form 1-3 Request for Release of Funds (FINAL STEP!)



Recipients must establish the Environmental Review Record (ERR) as soon as possible. The ERR includes:

- Designation of a Certifying Officer
- Project Description
- National Environmental Policy Act (NEPA) designation (Forms 2-3, 2-4, 2-6)
 - Exempt activities
 - Categorically excluded A activities
 - Categorically excluded B activities
- State Environmental Quality Review Act (SEQRA) designation (2-3A and 2-5 or 2-5A)
 - Type I Action
 - Type II Action
 - Unlisted Action
 - For SEQRA short and long forms, please be sure to use the updated forms available from the DEC website.
- Any other applicable notices, such as the floodplain notices and the release of funds.

Expect to submit the ERR and RROF within 90 days of award. If there will be delays, notify your Developer.

ERR must include all activities related to the project regardless of funding sources (such as ESD, EFC, USDA).

All costs related to Construction, Program Delivery or other non-Exempt activities **cannot be incurred** prior to Release of Funds.

If the project is an Unlisted or Type I activity under SEQRA, OCR requires a coordinated review and the Recipient should make contact with OCR as soon as possible for its consent for the Recipient (or other Involved Agency) to act as Lead Agency.

The environmental review must be completed and submitted to OCR and a Release of Funds or Concurrence Determination received prior to requesting any funds from OCR. For projects requiring a request for release of funds, the Recipient must receive a Release of Funds from OCR prior to incurring any costs for non-exempt activities such as construction.

- ✓ The ERR can be submitted electronically, with the exception of Form 1-3 which **must** be submitted with an original signature.
- ✓ Refer to OCR GAM Chapter 2 for further guidance on Environmental Review.

Environmental Review

- ERR includes:
 - Form 2-1 Designation of Certifying Officer

DESIGNATION OF CERTIFYING OFFICER AND ENVIRONMENTAL RESPONSIBILITY CERTIFICATION

NYC
Office of Community Renewal
100 State Street, 4th Floor
Albany, New York 12207

RE: CDBG Project Number: _____

Dear _____:

I, _____, the authorized signatory for _____ do hereby:

- I understand that any projects that include CDBG funds must be assessed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related regulations found at 24 CFR Part 58.
- I understand that, except for actions involving activities determined to be Exempt per 24 CFR 58.14 and NYC's Office of Community Renewal procedures, no physical alterations or individual sites may occur nor can funds for these activities be committed or expended until receipt of an environmental clearance letter from the Housing Trust Fund Corporation and, for any subsequently identified specific sites, site-specific reviews are completed for which the Certifying Officer determines that there are no unmitigated impacts not adequately addressed in the program review related to the environmental clearance letter and said Officer certifies such determination.
- I understand that should any part of a project site be physically altered, funds be committed, or funds be expended prior to meeting the appropriate environmental clearances, that the site will not be eligible for CDBG funding and the _____ may be responsible for any costs incurred except under the following circumstance: in the case of Exempt activities, concurrence from the NYC's Office of Community Renewal that the particular action is Exempt prior to any physical alterations unless that action is taken to address an emergency situation in which case concurrence must be obtained no later than the first regular business day following such an event.
- I also certify you that _____ is designated as the Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with NYC CDBG project number _____.

Sincerely,

Signature of Chief Elected Official

Typed Name and Title

Office of Community Renewal Form 2-1 Designation of Certifying Officer 1



This form is now available as a fillable form.

The Designation of Certifying Officer should be done by resolution.

Do not submit the original to OCR, that must be maintained by the Recipient with the project files.

The form is no longer required to be on official letterhead.

Environmental Review

- ERR includes:
 - Form 2-3 Certification of National Environmental Policy Act (NEPA)

FORM 2-3
CERTIFICATION OF NEPA CLASSIFICATION

CEISO Project Number _____ Date _____
Name and Title of Certifying Officer _____ Title _____
Name of Responsible Entity _____
Address (e.g., Street No. or P.O. Box): _____
Co/City, State, Zip Code+4 _____ NY _____
Telephone Number of Responsible Entity _____

It is the finding of the _____ that the activity(ies) proposed to be _____ NY'S CEISO project _____ are _____.

Check the applicable classification.

Exempt as defined in 24 CFR 58.34 (a).

Categorically Excluded as defined in 24 CFR 58.35(b).

Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental orders and executive orders (i.e., exempt under 58.34(a)(2)).

Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental orders and executive orders.

If neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35(a) and (b)) can be checked, Form 2-4 Environmental Assessment will be required.

Part or all of the project is located in an area identified as a floodplain or wetland.
For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

Affidavit of publication for Early Notice and Public Review of Proposed Activity Located in the 100 Year Floodplain attached.

Affidavit of publication for Final Notice and Public Explanation of Proposed Activity Located in the 100 Year Floodplain attached.

Signature of Certifying Officer _____

Office of Community Renewal (202581)



The Responsible Entity is the governing body that is completing the ERR.

- This can be the local planning board.
- Subrecipients can be designated as the Responsible Entity.

If the project includes any activity in a floodplain, and is subject to the two floodplain notices, this documentation must be submitted and attached to Form 2-3.

Environmental Review

- ERR includes:
 - Form 2-3A Certification with State Environmental Quality Review Act (SEQRA)

**FORM 2-3A
CERTIFICATION OF SEQRA CLASSIFICATION**

CDBG Project Number: _____ Date: _____

Name and Title of Certifying Officer: _____ Title: _____

Name of Responsible Entity: _____

Address (e.g., Street No. or P.O. Box): _____

Co/CITY, State, Zip Code+4: _____ NY _____

Telephone Number of Responsible Entity: _____

It is the finding of the _____ that the activity(ies) proposed in its _____ NYYS CDBG project _____ is/are _____.

Check the applicable classification:

Type I Action (6NYCRR Section 617.6)

Identify the Lead Agency _____

Evidence of Lead Agency Declaration and Consent attached _____

Copy of Environmental Notices Bulletin attached _____

Type II Action (6NYCRR Section 617.7)

Unlisted Action (not Type I or Type II Action)

Identify the Lead Agency _____

Evidence of Lead Agency Declaration and Consent attached _____

Copy of Environmental Notices Bulletin attached _____

Check if applicable:

Environmental Impact Statement (EIS) Prepared

Draft EIS

Final EIS

Signature of Certifying Officer: _____

Office of Community Renewal (03054)



For any SEQRA Action, CDBG requires a coordinated review, the OCR must be contacted for Lead Agency Concurrence.

For any SEQRA Type I Action:

- SEQR Long Form required
- Must provide copy of Environmental Notices Bulletin (ENB)

For any Unlisted Action

- SEQRA Short Form required
- Include ENB, if published.

For any Type II Action, comply with 6NYCRR Section 617.5

Environmental Review

- ERR includes:
 - Form 2-4 NEPA Classification Checklist



Form 2-4
NEPA Classification Checklist

CDBG Project Number: _____ Date: _____

Name and Title of Certifying Officer: _____ Title: _____

Name of Responsible Entity: _____

Address (e.g., Street No. or P.O. Box): _____

City/Town, State, Zip Code: _____ NY _____

Telephone Number of Responsible Entity: _____

Energy Activities (24CFR24.34)
(Select only one or more of the following that apply.)

- Environmental and other studies, resource identification and development of plans and strategies (18.340001)
- Information and financial services (18.340002)
- Administration and management activities (18.340003)
- Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs (18.340004)
- Inspections and testing of properties for hazards or defects (18.340005)
- Purchase of services (18.340006)
- Purchase of goods (18.340007)
- Engineering or design costs (18.340008)
- Technical assistance and training (18.340009)
- Activities for emergency or post-emergency improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or avert the effects from physical disaster, imminent threat or physical deterioration (18.340010)
- Payment of principal and interest on loans made or obligations guaranteed by HUD (18.340011)
- Any of the categorical exclusions listed in 18.200, provided that there are no circumstances which require compliance with any other Federal laws and regulations listed in 18.2 (18.340012)

Signature of Certifying Officer: _____

Page 1 of 4 Office of Community Renewal (18-0154)



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Homes and
Community Renewal

The Form 2-4 is a three page form, all three pages must be signed and returned.

On page 1, every project should be selecting:

- Administration and Management Activities
- And if applicable, engineering or design costs.

Keep in mind as the ERR is completed, this will address the entire project, not just the CDBG funded portion.

Environmental Review

- ERR includes:
 - Form 2-4 NEPA Classification Checklist, Cont.

Form 2-4
NEPA Classification Checklist
CATEGORICALLY EXCLUDED ACTIVITIES (24 CFR 58.35(a))

Activities in this section require compliance with related laws and authorities at 24 CFR 58.3 and 58.6

Select only one of the following

Acquisition, repair, construction, reconstruction, rehabilitation, or maintenance of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent. Examples of this type of activity include replacement of water and sewer lines, reconstruction of roads and sidewalks, sewer repairs (24.330022)

Special projects devoted to the interest of national and archaic trust facilities that restrict the mobility of and accessibility to elderly and handicapped persons (24.330023)

Rehabilitation of buildings and improvements for residential use (with one to four units), when the density is not increased beyond that which the land use is not changed, and the floor area of the building is not increased as a fivefold or a 4:1 ratio (24.330024)

Rehabilitation of nonresidential buildings (with five or more units), when the following conditions are met: (i) the density is not changed more than 20 percent, (ii) the project does not involve changes in land use from residential to non-residential, and (3) the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation (24.330025)

Rehabilitation of non-residential structures, including commercial, industrial, and public buildings when the following conditions are met: (i) the facilities and improvements are in place and will be changed in size or capacity by more than 20 percent, and (ii) the activity does not involve a change in land use, such as from non-residential to residential, commercial or industrial or from one industrial use to another (24.330026)

An individual action on up to four dwelling units (not including rehabilitation (see 24.330025) above) when there is a replacement of all units with one or more new units. The units can be four one-unit buildings or one four-unit building or any combination in between (24.330027)

Acquisition (including lease) or disposition of an existing structure, equity interest in an existing structure, or acquisition (including lease) of real and personal property for the structure or land adjacent, financed or disposed of will be retained for the same use (24.330028)

Any combination of the above activities (24.330029)

Signature of Certifying Officer

Page 1 of 2 Office of Community Renewal (202016)

Form 2-4
NEPA Classification Checklist
CATEGORICALLY EXCLUDED ACTIVITIES (24 CFR 58.35(b))

*Activities in this section require compliance with related laws and authorities at 24 CFR 58.6 only**

Select only one of the following

Transit-based transit activities (24.330030)

Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, educational services, after-school programs for non-transportability crisis, and assistance in gaining access to local, state and federal government benefits and services (24.330031)

Operating costs including maintenance, equipment, supplies, staff training, staff recruitment, security operations, utilities, chemicals and other incident costs (24.330032)

Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expense and startup costs not associated with construction or operation of existing operations (24.330033)

Activities to assist homeowners to purchase existing dwelling units or dwelling units under construction**, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title (24.330034)

Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact (24.330035)

Approval of equipment assistance (including income or payments) to a project previously approved under this part, if the approval is made by the same project/owner that conducted the environmental review on the original project and is consistent with the environmental finding of an approved case (24.330036)

**A responsible entity determines that an activity or project identified above, because of extraordinary circumstances or conditions or in affecting the interests of the activity or project may have a significant environmental effect, an environmental assessment must be prepared and a determination of significance made.

***This exclusion applies only to financial assistance for purchase of existing for sale homes or homes under construction. It does not apply to other real estate transactions or identified as Categorical Excluded. In all cases, the this exclusion to apply, the prospective buyer must have discussions regarding selection of properties within the target area.

Signature of Certifying Officer

Page 2 of 2 Office of Community Renewal (202016)



As Form 2-4 continues, the second page addresses Categorical Excluded Activities at 24 CFR 58.35(a).

- Only select one box on this page.
- If the project covers multiple activities, only select the last box, any combination of the above activities at 58.35(a)(6).
- Any Form 2-4 that is submitted with multiple boxes selected will be rejected and returned.

The last page addresses Categorical Excluded Activities at 24 CFR 58.35(b).

- Only select one box on this page.
- If the Certifying Officer determines that the project covers multiple activities, the Community/Economic Developer must be contacted before proceeding.
- Any Form 2-4 that is submitted with multiple boxes selected will be rejected and returned.

Environmental Review

- ERR includes:
 - Form 2-5 Statutory Checklist, Cont.

Water Abatement and Control Water Control Act of 1977, as amended by the Clean Conservation Act of 1978, 24 CFR Part 11 Subpart B	Yes	No	
Field Inspections Field Inspecting Water Act of 1976, as amended, particularly sections 147A(a) and 147A(b)	Yes	No	
Wetland Protection Wetlands Conservation Act of 1990, particularly sections 2 and 3	Yes	No	
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes	No	
ENVIRONMENTAL JUSTICE Environmental Justice Executive Order 12898	Yes	No	
STATE OIL FIELD REVENUES (to be added to Responsibility Matrix)	Yes	No	
Local Air Quality Management Act (LAQMA) Section 14.09 of the State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617	Yes	No	
County Air Management Act (CAMA) 6 NYCRR Part 602	Yes	No	
Field Inspection - when not required (1): Content of Findings and Conclusions:	Yes	No	

2-5 Statutory Checklist Page 4 of 4 8/2014

Mitigation Measures and Conditions 16C CFR 1500.201

Consistent with an mitigation measure adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed conditions and Section 2, the measures/conditions used to incorporate into project contracts, development agreements, and other relevant documents, the mitigation measures for implementing and enforcing mitigation measures shall be clearly identified in the mitigation plan.

Law, Authority or Policy	Mitigation Measure

Determination:

This categorically excluded activity/project conforms to EXEMPT per Section 16.16(a)(1), because it does not require any mitigation for compliance with any listed status or restriction, nor requires any permit prior or during. Funds may be committed and drawn down after completion of this part of the project (EXEMPT project).

This categorically excluded activity/project cannot consent to Exempt status because use or reuse status or restriction listed in Section 16.3 requires formal consultation or negotiation. Complete consultation/negotiation process requirements, public NOTICE and obtain "endorsement by the Great Plains" (GEP) 16.11 per GEP.

This project is not categorically excluded OR, if originally categorically excluded, is now subject to a 60 Environmental Assessment according to Part 16 Subpart E due to extraordinary circumstances (Section 16.35(d)).

Project Signature: _____ Date: _____

Issue Title/Organization: _____

Responsible Entity Agency Official Signature: _____ Date: _____

Issue Title: _____

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (not 24 CFR Part 16.30) and in accordance with recordkeeping requirements for the GEP program(s).

2-5 Statutory Checklist Page 4 of 4 8/2014



Some projects may require a field inspection.

If one has been completed, provide the information as requested.

The OCR may request a copy of this to be submitted.

Environmental Review

- ERR includes:
 - Form 2-5A Statutory Checklist

Form 2-5A Statutory Checklist
 Environmental Review for Activity/Project that is
 Exempt or Categorically Excluded Not Subject to Section 58.5
 Pursuant to 24 CFR Part 58.300(a) and 58.300(b)

Basic Information

Project Name & CDBG No.: _____

Responsible Entity: _____

Grant Recipient: _____

State/Local Identifier: _____

Preparer: _____

Certifying Officer Name and Title: _____

Consultant (if applicable): _____

Direct Comments to: _____

Project Location: _____

Description of the Proposed Project (24 CFR 58.12 & 58.32; 40 CFR 1508.23): _____

Level of Environmental Review Determination:

Activity/Project is Exempt per 24 CFR 58.300(a)

Activity/Project is Categorically Excluded Not Subject To 58.5 per 24 CFR 58.300(b)

Funding Information

This project anticipates the use of funds or assistance from another State or Federal agency in addition to HUD in the form of (if applicable):

Grant Number	Federal/State/Other Program	Funding Amount

Estimated Total HUD Funding Amount: _____

Estimated Total Project Cost (HUD and non-HUD money) per CFR 58.300(c): _____

2-5A Statutory Checklist Page 1 of 3 8/2014



There are now two Statutory Checklists, 2-5 and 2-5A.

Form 2-5A Statutory Checklist is for projects that may be Exempt or Categorically Excluded Not Subject to Section 58.5.

Environmental Review

- ERR includes:
 - Form 2-5A Statutory Checklist, Cont.

Compliance with 24 CFR 58.6 and 58.64 and 58.64-1 and 58.64-2

Discard before the completion of final compliance documentation for each section, executive order, or regulation. Provide credits, formulas, and appropriate source documentation for each reference. Where applicable, complete the necessary portions of conditions and attach or cite applicable portions of approvals. Check all items checked, then insert title of contract, and page reference. Attach additional documentation as appropriate.

Compliance Factors - System, Executive Order, and Regulations listed at 24 CFR 58.6 and 58.6	Are final compliance steps or approvals required?	Compliance Administration
Statutes, Executive Orders, and Regulations Listed at 24 CFR 58.64		
Airport Runway Clear Zones and Accident Prevention Areas	Yes <input type="checkbox"/> No <input type="checkbox"/>	
24 CFR Part 51 Subpart D	<input type="checkbox"/> <input type="checkbox"/>	
Control Emission Requirements	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Control Emission Requirements Act, as amended by the Control Emission Improvement Act of 1990 (P.L. 101-535)		
Flood Insurance	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Flood Insurance Protection Act of 1971 and National Flood Insurance Reform Act of 1994 (P.L. 103-424, 103-484, 103-376, 103-66)		
STATE OR LOCAL STATUTES (to be added by Responsible Entity)		
State Stormwater Protection Office (SDSPO) Section 1-18 of the State	Yes <input type="checkbox"/> No <input type="checkbox"/>	
York State Stormwater Preservation Act	<input type="checkbox"/> <input type="checkbox"/>	
State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617	Yes <input type="checkbox"/> No <input type="checkbox"/>	
State Environmental Quality Review Act	<input type="checkbox"/> <input type="checkbox"/>	
Control Emission Requirements Act (CEIRA) 18 NYCRR Part 600	Yes <input type="checkbox"/> No <input type="checkbox"/>	
	Yes <input type="checkbox"/> No <input type="checkbox"/>	
	Yes <input type="checkbox"/> No <input type="checkbox"/>	

3-5A Statutory Checklist Page 3 of 3 83261

Mitigation Measures and Conditions (at 24 CFR 58.64-2)

Integrate before all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above listed statutes and orders. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The cost/expense for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Statute, or Factor	Mitigation Measures

Responsible Entity: _____ Date: _____

Name/Title/Department: _____

Responsible Entity Agency Official Signature: _____ Date: _____

Name/Title: _____

This original, signed document and related supporting material must be returned on file by the Responsible Entity to an Environmental Review Facilitator (ERF) for the activity/project (at: 24 CFR Part 58.36) and in accordance with monitoring requirements for the ERF program(s).

3-5A Statutory Checklist Page 3 of 3 83261



This is the continuation of 2-5A.

Environmental Review

- ERR includes:
 - Form 2-6 Environmental Assessment

Form 2-6 Environmental Assessment
 Determinations and Compliance Findings for
 HUD-assisted Projects
 24 CFR Part 58

Project Information

Project Name & CDBG No.: _____
 Responsible Entity: _____
 Grant Budget: _____
 State/Local Identifier: _____
 Preparer: _____
 Certifying Officer Name and Title: _____
 Consultant (if applicable): _____
 Direct Contract to: _____
 Project Location: _____

Description of the Proposed Project (24 CFR 58.12 & 58.32, 40 CFR 1508.25):

Statement of Purpose and Need for the Proposal (40 CFR 1508.50):

Existing Conditions and Trends (24 CFR 58.40(a))

Funding Information

CFR Number	Federal/State/Other Program	Funding Amount

Estimated Total HUD Funded Amount: _____
 Estimated Total Project Cost (HUD and non-HUD funds) (24 CFR 58.32(d))



Form 2-6 Environmental Assessment is required for any project that is subject to a FONSI or, if when referring back to Form 2-3, the Certification of NEPA Classification,

- If neither exempt (24 CFR 58.34(a) nor categorically excluded (24 CFR 58.35(a) and (b) can be checked, Form 2-6 Environmental Assessment will be required.

Environmental Review

- ERR includes:
 - Form 2-6 Environmental Assessment, Cont.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Education and Cultural Facilities		
Commercial Facilities		
Health Care and Social Services		
Solid Waste Disposal / Recycling		
Storm Water / Sanitary Sewers		
Water Supply		
Public Safety - Police, Fire and Emergency Services		
Parks, Open Space and Recreation		
Transportation and Accessibility		
ENVIRONMENTAL FACTORS		
Air Quality		
Soil		
Geology		
Seismicity		
Other Factors		

Additional Studies Performed	
Field Inspection (Date and completed by):	
List of Sources, Agencies and Persons Consulted (24 CFR 1.108.10)(2):	
List of Permits Obtained:	
Public Outreach (24 CFR 10.118.10.4)(3):	
Cumulative Impact Analysis (24 CFR 10.123):	

Alternative (24 CFR 10.405(a), 40 CFR 1.108.6)	
No Action Alternative (24 CFR 10.405(c))	
Summary of Findings and Conclusions:	
<p>Significance Mitigation and Compliance (24 CFR 1.108.10)(4)</p> <p>In order to ensure that any or all actions proposed to be taken by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts, and to avoid, minimize or compensate for any cumulative impacts with the above-listed activities and actions, these measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The need and responsibility for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.</p>	
How, Address, or Factor	Mitigation Measures
<p>Determination:</p> <p><input type="checkbox"/> Finding of No Significant Impact (24 CFR 10.405(2)(i), 40 CFR 1.108.17) The project will not result in a significant impact on the quality of the human environment.</p> <p><input type="checkbox"/> Finding of Significant Impact (24 CFR 10.405(2)(ii), 40 CFR 1.108.17) The project may significantly affect the quality of the human environment.</p>	
Preparer Signature	Date
Name/Title/Organization	
Certifying Official Signature	Date
Name/Title	

This original, signed document and related supporting material must be retained on file by the Responsible Entity as an Environmental Review Record (ERR) for the activity/project (and, 24 CFR Part 10.10) and in accordance with recordkeeping requirements for the HUD program(s).

Office of Community Renewal

Form 2-6 Environmental Assessment

10/24

Office of Community Renewal

Form 2-6 Environmental Assessment

10/24



Please refer to the associated instructions when completing the ERR forms, or contact the assigned Community/Economic Developer.

Environmental Review

Additional ERR Exhibits

- Exhibit 2-3 Sample Notice of Intent to Request Release of Funds

EXHIBIT 2-3
Sample Notice of Intent to Request a Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used for projects SOI requiring an Environmental Assessment (24 CFR Part 58, Section 58.34). Words in bold type are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRFO)

Date of Notice

Name of Responsible Entity (RE)

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

On or about [at least one day after the end of the comment period or Day 2], the [Name of Responsible Entity] will [if the Responsible Entity is not also the grant recipient, insert the following language into "whether the terms of grant recipient,"] submit a request to the Office of Community Renewal for the release of CDBG funds under Title 1 of the Housing and Community Development Act of 1974, as amended, to undertake a project known as [Project Name], for the purpose of [purpose/uses of project, estimated dollar amount, include all non-HUD funding sources, if applicable and project location if applicable].

The written proposal [IDENTIFY ALL APPROPRIATE FEDERAL INTERESTS, REGULATIONS, ALTERNATIVES, AND OTHER FEDERAL POLICY PROGRAMS, ADOPTIONS, OR POLICY REGULATIONS ALTERNATIVES], COMPRISE A PROJECT FOR WHICH A FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT HAS BEEN DETERMINED OR DATE OF FINDING PUBLICATION PENDING]. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at [name and address of Responsible Entity office where Environmental Review Record can be examined and name and address of other location where the record is available for review], and may be examined on request weekdays [] AM to [] PM.

PUBLIC COMMENTS
Any individual, group, or agency may submit written comments on the ERR to the [RE designated office responsible for receiving and responding to comments]. All comments received by [RE] notice is published, publication date plus seven days, if notice is mailed and

OCR
Other Administrative Manual Chapter 1, Environmental and Historic Review
Page 14 32081

 **NEW YORK**
STATE OF
OPPORTUNITY

**Homes and
Community Renewal**

PLEASE READ THE INSTRUCTIONS CAREFULLY BEFORE PROCEEDING! All notices and instructions have been revised.

There are two notices that will need to be published for any project or activity that is subject to a Notice of Intent to Request Release of Funds or a Finding of No Significant Impact.

This notice is the Notice of Intent to Request Release of Funds and contains a 24 day comment period. Please submit this to the assigned Community/Economic Developer prior to publishing.

The day of publication is Day "0". There is a publication timeline in the grant administration manual immediately after this exhibit. Certain days cannot occur on weekends or holidays.

Please follow the instructions very carefully as the language in the notice must be published exactly as provided, except for those areas that are bold and underlined, which must be completed by the Certifying Officer.

Close enough does not count, if any part of the notice is off, or if key language is missing, it must be republished.

Environmental Review

Additional ERR Exhibits

- Exhibit 2-3 Sample Notice of Intent to Request Release of Funds, Cont.

<p><i>project_title_and_posting_date_pda_fm_dpa</i>; will be considered by the <i>name_of Responsible Entity</i>, prior to submission of a request for release of funds.</p> <p>RELEASE OF FUNDS The <i>name_of Responsible Entity</i>, certifies to the Office of Community Renewal that <i>name_of Certifying Officer</i>, in <i>holding capacity as official Title</i>, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Office of Community Renewal's acceptance of the certification entails its responsibilities under NEPA and allows the <i>name_of Responsible Entity</i>, to use Program funds.</p> <p>OBJECTIONS TO RELEASE OF FUNDS The Office of Community Renewal will accept objections to its release of funds and the <i>name_of Responsible Entity</i>, verification for a period of <i>number of days</i> following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the <i>name_of Responsible Entity</i>; (b) the <i>name_of Responsible Entity</i>, has received a copy or failed to make a decision or finding required by SED regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs, or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Office of Community Renewal; or (d) another Federal agency acting pursuant to 49 CFR Part 1584 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.70) and should be addressed to: Christian Liu, Vice President, at Office of Community Renewal, Hangman Plaza, 38-40 East Street, 4th Floor, Albany, NY 12242. Potential objectors should contact the Office of Community Renewal to verify the actual last day of the objection period.</p> <p><i>Name and Title of EC Certifying Officer</i></p> <p>OCR Administrative Manual Chapter 3: Environmental and Ethics Review Page 21 2007</p>	<p>Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification (OCR Form 1-3) to the OCR. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by the OCR, whichever is later.</p> <p>Following completion of the comment period recipients may FAX the Form 1-3 to the OCR together with a copy of the public notice and a cover letter stating whether comments were received and, if so, how the recipient responded to the comment. The Request for Release of Funds and Certification should not be submitted before the recipient has responded. If the request is sent by FAX, the original signed form should be mailed to the OCR. The date of receipt by FAX will be counted as the submission date. However, the OCR will not issue a written approval for the release of funds until after the original signed form is received.</p> <p>Form 1-3 cannot be authorized or dated by the Certifying Officer until the end of the comment period.</p> <p>OCR Administrative Manual Chapter 3: Environmental and Ethics Review Page 21 2007</p>
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Environmental Review

Additional ERR Exhibits

- Exhibit 2-4 Sample Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI)

EXHIBIT 2-4
Sample Notice of Finding of No Significant Impact and
Notice of Intent to Request a Release of Funds

The language below is HUD's recommended wording of the combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. The Notice is used for projects requiring an Environmental Assessment (EA) CFR Part 58, Section 58.365. Words in bold type are required language. Words in italics are to be replaced by language appropriate to the particular project and Responsible Entity.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name of Responsible Entity (RE)

Address (i.e., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the owner of EA or grant recipient.

REQUEST FOR RELEASE OF FUNDS

On or about **at least one day** after the end of the comment period, on Day 17, the **owner of Responsible Entity**, with the Responsible Entity as not also the grant recipient, must **file following language here**, submit the forms of grant recipient, submit a request to the Office of Community Renewal for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974 as amended, to undertake a project known as project title, for the purpose of construction of project. Additional language include all non-FED funding sources if applicable and project location if applicable.

FINDING OF NO SIGNIFICANT IMPACT

The owner of Responsible Entity has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at name and address of Responsible Entity office where Environmental Review Record can be examined and copies are available. Locations where the record is available for review, will may be examined or copied weekday 9 _A.M to _P.M.

OCH Administrative Manual Chapter 2, Environmental and Historic Review Page 14 1001



PLEASE READ THE INSTRUCTIONS CAREFULLY BEFORE PROCEEDING! All notices and instructions have been revised.

This notice is the Notice of Finding of No Significant Impact Notice of Intent to Request Release of Funds and contains a 32 day comment period.

Please submit this to the assigned Community/Economic Developer prior to publishing.

The day of publication is Day "0". There is a publication schedule in the grant administration manual immediately after this exhibit.

Certain days cannot occur on weekends or holidays.

Please follow the instructions very carefully as the language in the notice must be published exactly as provided, except for those areas that are bold and underlined, which must be completed by the Certifying Officer.

Close enough does not count, if any part of the notice is off, or if key language is missing, it must be republished.

Environmental Review

Additional ERR Exhibits

- Exhibit 2-10 Sample Early Notice and Public Review of Proposed Activity Located in a 100-Year Floodplain

EXHIBIT 2-10
SAMPLE
(MUST BE PUBLISHED AND COMMENT PERIOD MUST END
PRIOR TO PUBLISHING FINAL NOTICE)

**EARLY NOTICE AND PUBLIC REVIEW OF PROPOSED
ACTIVITY LOCATED IN A 100-YEAR FLOODPLAIN**

To All interested Agencies (include all Federal, State, and Local), Groups and Individuals

This is to give notice that [Name of Entity] has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain and wetland will have on the human environment for [Program Name] under [OMB Project Number].

[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]. [State the total number of acres of floodplain]. The proposed project(s) is located [provide address or location description] in [Name of City/Village/Town], [Name of County].

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in action taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by [Name of Entity] at the following address on or before [month, day, year] (a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication). [Name of Entity], [Address] and [phone number], [optional e-mail address of Certifying Officer] Attention: [Name of Certifying Officer], [Title], during normal business hours. Comments may also be submitted via email at [email address].

Date:

DCR
State Administration Manual

Chapter 2: Development and Events
Page 2017

2003

 NEW YORK
STATE OF
OPPORTUNITY

 Homes and
Community Renewal

This is the Early Notice and Public Review of Proposed Activity in a 100 Year Floodplain.

If the project is subject to this, a NOI/ROF cannot be published, the project will be subject to a FONSI/NOI/ROF.

This must be published prior to publication of FONSI/NOI/ROF. If the FONSI/NOI/ROF is published prior to the conclusion of the public comment period for the Early and Final Notice, the FONSI/NOI/ROF will be rejected and it must be republished.

Day "0" is the day of publication, with a total 15 day public comment period.

Environmental Review

Additional ERR Exhibits

- Exhibit 2-11 Sample Final Notice and Public Explanation of Proposed Activity Located in the 100-Year Floodplain

<p style="text-align: center;">EXHIBIT 2-11 SAMPLE NOTICE OF FURTHER AND COMMENT PERIOD MUST END PRIOR TO PUBLICATION NOTICE OF FURTHER NOTICE</p> <p style="text-align: center;">FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN THE 100-YEAR FLOODPLAIN</p> <p>To: All interested Agencies (include all Federal, State, and Local), Groups and Individuals</p> <p>This is to give notice that the [Name of Entity] has completed an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.25 (except if otherwise in Mutual Determination or Floodplain Management), to document the potential effect that its activity in the floodplain and wetland will have on the human environment (or Program Year) under (FONS/NOIRROF) number). The proposed project is located (provide address location description) in [Name of City/Town/Village], [Name of County].</p> <p>Describe the activity, e.g. purpose, type of activities, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values; (State the total number of acres of floodplain involved).</p> <p>[Name of Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and historical values: (and reasons (as practicable) based if possible for non-choices. (All) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and historical values) (Use the date of any final or conditional LOMAs or LOMAs from FEMA where applicable. (acknowledge compliance with state and local floodplain protection procedures)</p> <p>[Name of Entity] has re-evaluated the alternatives to building in the floodplain and has determined that it has an practicable alternative. (Explain that that document compliance with steps 1 through 8 of Executive Order 11988 and/or 11990, are available to public inspection, review and copying upon request at the time and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reason:</p> <p>(Give reasons why there is no significant impact)</p> <p>There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about those areas. Second, an adequate public notice program can be an important public educational tool. The</p> <p style="text-align: right;">2025 State Administration Manual Chapter 1: Environmental and Planning Page 79 2025</p>	<p>disclosure of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of those special areas. Third, as a matter of fairness, when the Federal government determines it will participate in a screen taking place in floodplains, it must advise those who may be put at greater or continued risk.</p> <p>Written comments must be received by the [Name of Entity] at the following address on or before [insert date, year] (a minimum 7 calendar day comment period will begin the day after the publication and end on the 14th day after the publication) [Name of Entity], [Address] and [phone number], (provide a mail address of Certifying Officer) (insert Name of Certifying Officer, Title), during normal business hours. Comments may also be submitted via email at [email address].</p> <p>Date:</p> <p style="text-align: right;">2025 State Administration Manual Chapter 1: Environmental and Planning Page 79 2025</p>
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This is the Final Notice and Public Review of Proposed Activity in a 100 Year Floodplain.

Prior to publishing, the comment period for the Early Notice must be completed, and any and all comments received must be responded to before moving on.

If the project is subject to this, a NOIRROF cannot be published, the project will be subject to a FONS/NOIRROF.

This must be published prior to publication of FONS/NOIRROF. If the FONS/NOIRROF is published prior to the conclusion of the public comment period for the Early and Final Notice, the FONS/NOIRROF will be rejected and it must be republished.

Day "0" is the day of publication, with a total 7 day public comment period.

Environmental Review

Conclusion of the Environmental Review Record (ERR)

➤ Form 1-3 Request for Release of Funds (RROF)

FORM 1-3
REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.22) when requesting the release of funds, and requesting the authority to use such funds, for the Community Development Block Grant Program, as identified by letters that provide for the completion of the environmental review responsibility to state or private local general and government and other (Form 1-3 cannot be submitted or used by the Certifying Officer until the end of the comment period).

Part 1. Program Description and Request for Release of Funds:

1. Name of Recipient	2. Project Number
3. Recipient's Address	4. Name and Address of Responsible Party (if different from Recipient)
5. For information about this request, contact (name & phone number)	6. CRIS Case Number (if CRIS)
7. Date of Recipient Certification (cannot be later than the end of the comment period)	SERVICES ONLY 8. Release of Funds Date

The Recipient(s) of resources under this program(s) must address requests for the release of funds and request of environmental grant conditions governing the use of the assistance for the following:

9. Program Activity(ies)/Project Title(s)	10. Location (street address, city, county, state)
11. Program Activity/Project Description	

Office of Community Renewal (2013)005

Part 2. Environmental Certification (to be completed by responsible party)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

- The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) stated above.
- The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental prohibitions, permit requirements and monetary obligations of the laws cited in 24 CFR 58.15, and also agrees to comply with the authorities in 24 CFR 58.2 and applicable state and local laws.
- After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposed **CRIS** **CRIS** does not require the preparation and dissemination of an environmental impact statement.
- The responsible entity has disseminated and published in the manner provided by 24 CFR 58.16 and 58.17 a notice to the public in accordance with 24 CFR 58.70 and as enclosed by the attached copy (caption) or evidence of posting and mailing procedure.
- I have taken the all statutory and regulatory time periods for review, comment or other action in compliance with prohibitions and requirements of 24 CFR Part 58.
- In accordance with 24 CFR 58.10(b), the responsible entity will advise the Recipient (if different from the responsible entity) of any special environmental conditions that must be addressed in carrying out the project.

As the duly designated official of the responsible entity, I also certify that:

- I am authorized to make the contract or contracts in excess of the state of New York's Federal Office for the National Environmental Policy Act of 1969 and such provisions of law developed in the 24 CFR 58.15 list of OFEIS related activities hereby in the provisions of laws that apply to the Party's responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
- I am authorized to and do accept, on behalf of the Recipient pursuant to the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in the capacity of Certifying Officer of the Responsible Entity.

Signature of Certifying Officer of the Responsible Entity: _____
Title: _____
Address of Certifying Office: _____

Part 3. To be completed when the Recipient is not the Responsible Entity

The Recipient assumes the release of funds for the program and activities identified in Part 1 and agrees to abide by the special conditions, prohibitions and requirements of the environmental review and to advise the Responsible Entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.70(b).

Signature of Authorized Officer of the Recipient: _____ Title of Authorized Officer: _____
Date Signed: _____

Office of Community Renewal (2013)005



Expect to submit the ERR and RROF within 90 days of award. If there will be delays, notify your Developer. Do not submit piece meal, submit the ERR electronically in one piece.

ERR must include all activities related to the project regardless of funding sources (such as ESD, EFC, USDA).

All costs related to Construction, Program Delivery or other non-Exempt activities **cannot be incurred** prior to Release of Funds.

For any project subject to a NOIRROF or a FONSI/NOIRROF, Form 1-3 is the last piece of documentation to be submitted.

- Submit this electronically to the assigned Community/Economic Developer according to the schedule in the notice.
 - Day 9 for the NOIRROF
 - Day 16 for the FONSI/NOIRROF
- The Form 1-3 is the one piece of the ERR that must be submitted to the OCR in original form.
 - Form 1-3 cannot be dated **before** the end of the comment period.
- Projects that are determined to be exempt or not subject to 24 CFR 58.35(a) will submit documentation and will obtain a concurrence letter from the OCR.

The environmental review must be completed and submitted to OCR and a Release of Funds or Concurrence Determination received prior to requesting any funds from OCR.

For projects requiring a request for release of funds, the Recipient must receive a Release of Funds from OCR prior to incurring any costs for non-exempt activities such as construction.

- ✓ The ERR can be submitted electronically, with the exception of Form 1-3 which **must** be submitted with an original signature.
- ✓ Refer to OCR GAM Chapter 2 for further guidance on Environmental Review.

Environmental Review

Conclusion of Environmental Review Record

- Non-exempt costs cannot be incurred prior to written release of funds or concurrence is received from OCR.
- Request for Funds will not be processed until the ERR is completed and a Release of Funds or a Concurrence letter is issued by OCR, even for exempt costs.
- The ERR applies to the entirety of a project, not just to the CDBG portion of it.

General Program Administration

General Program Administration

Establish Administrative File Maintenance

- Establish the files for the project as soon as possible per the OCR Grant Administration Manual and the labels on the OCR website.
- Labels and instructions can be found at:
 - <http://www.nyshcr.org/Forms/NYS-CDBG/>
 - Housing Rehab - http://www.nyshcr.org/Forms/NYS-CDBG/HR_Labels.pdf
 - Home Ownership - http://www.nyshcr.org/Forms/NYS-CDBG/HO_Labels.pdf
 - Public Facilities - http://www.nyshcr.org/Forms/NYS-CDBG/PF_Labels.pdf
 - Economic Development - http://www.nyshcr.org/Forms/NYS-CDBG/ED_Labels.pdf



Administrative File Maintenance

Recipients must establish the files for the project as soon as possible per the OCR Grant Administration Manual and the labels on the OCR website. The file labels are located at <http://www.nyshcr.org/Forms/NYS-CDBG/>.

- If you're not sure what needs to be included in a file, contact the assigned Community/Economic Developer.

General Program Administration

Establish Third Party Responsibilities

- Consultants/Engineers
 - Must have written agreements in place
- Subrecipients
 - Subrecipient Agreement must be submitted to OCR
 - Not for profit does not always equal subrecipient
- Intergovernmental Agreement
 - Any Intergovernmental Agreement must be submitted to OCR.
 - Do not confuse Intergovernmental with Subrecipient



Third Party Responsibilities

Recipients must establish a Policies and Procedures Manual, which outlines the responsibilities of all involved parties including third parties and municipal employees.

Consultants/Engineers

- Must be retained in compliance with federal procurement policy at 24CFR85.36.
 - Consultants must be retained through an RFP
 - Engineers can be retained through an RFP or an RFQ.
 - Do not use a Request for Qualifications (RFQ) for the selection of a consultant; the RFQ is restricted to procurement for architect and engineering services.
- A written contract must be signed which outlines all of the responsibilities of each party.
- Ultimate responsibility falls on the Municipality so be aware of what your consultant/engineer is required to provide.
- Consultants already under contract – contact your developer to determine if it meets the procurement requirements; may need to procure again.
- Develop oversight measures to be sure consultant/engineer is performing according to contract/scope of work.

Subrecipients

- A subrecipient is defined at 24 CFR 570.500(c) as a public or private nonprofit agency, authority or organization, or an entity receiving CDBG funds from the Recipient to undertake the activity directly.
- Can be designated.
 - Non-profit does not equal subrecipient.
 - Funds must flow through a subrecipient, if not then they fall under consultant and procurement is required.
 - Must have a written subrecipient agreement – must be submitted to OCR prior to first draw for services.
 - Recipients must conduct a monitoring of all subrecipients. At a minimum, at least one formal monitoring must be conducted and a formal report issued.
- Ultimate responsibility falls on the Recipient, so be aware of what the subrecipient is required to provide.
- Consultants cannot act as subrecipients.
- Refer to OCR GAM Chapter 1 Getting Started for further guidance on using a subrecipient.

Intergovernmental Agreement

- Should be in place when working with a local governmental agency such as the County Planning Office or Sewer and Water Authority.
- Submit to OCR for compliance with CDBG regulations prior to first request for funds

General Regulatory Compliance Procedures

General Regulatory Compliance

All Recipients of CDBG funds must maintain evidence of the following:

- Civil Rights
- Fair Housing
- Section 504
 - Exhibit 5-13 Sample Notice Under the Americans with Disabilities Act
 - Exhibit 5-14 Sample Grievance Procedure Under the Americans with Disabilities Act
 - <http://www.nyshcr.org/Forms/NYS-CDBG/GAMChapter5.pdf>
- Conflict of Interest
- Designation of Fair Housing Officer



These requirements apply to ALL projects, regardless of the type of activity being undertaken

Civil Rights

- Must maintain evidence on Recipient Employment and Project Beneficiaries.
- EEO documentation in personnel policies/procedures.
- Must maintain records of Race, Income, Female Head of Household Status, Handicap Status, Age for employees and beneficiaries of CDBG funds.

Fair Housing

- Appoint a Fair Housing Officer, should be done by resolution
- Establish procedures to affirmatively further Fair Housing (fair housing plan, posters etc.)
- Provide documentation in project files of specific efforts to affirmatively further fair housing

Section 504

- All municipalities were required to conduct a self evaluation with the passage of ADA, keep a copy in the project files.
- Document any changes you have made to facilities or procedures to ensure accessibility by handicapped persons including physical, mental, hearing, or visual impairments

- Establish written grievance procedures
 - ✓ Designate an ADA Coordinator
 - ✓ Applies to Recipients with 15 or more employees
 - ✓ Recipients with 50 or more employees must demonstrate that the grievance procedure has been published
 - ✓ Grievance procedure covers all residents of the municipalities

Section 3

- If the CDBG award is \$200,000 or more,
 - ✓ The hiring of employees to work on the project is subject to Section 3 requirements.
 - ✓ If the Recipients enter into contracts, either prime or sub, of \$100,000 or more are also subject to Section 3 requirements.
 - ✓ Must make every effort to ensure Section 3 business concerns and residents are afforded the opportunity to bid on the project or be hired for the project.
 - ✓ Section 3 business concern – businesses that are 51% owned by Section 3 residents; at least 30% of the full-time permanent employees are Section 3 residents; or businesses that provide evidence of a commitment to subcontract more than 25% of the dollar amount to businesses that meet the definition of a Section 3 Business Concern.
 - ✓ Section 3 Residents – Residents of public housing or individuals that reside in the metropolitan area or non metropolitan county in which the Section 3 covered assistance is expended and whose income do not exceed the local HUD income limits for low or very low-income households.

Conflict of Interest

- Maintain a copy of the local conflict of interest policy with the project files
- Procurement is a prohibited conflict
 - ✓ If determined that there is the appearance of conflict of interest according to 24CFR570.489(g) and (h) and 24CFR85.36(b)(3) then the recipient cannot enter into a contract funded by CDBG with the firm or person.
 - ✓ If determined that there is the appearance of conflict of interest in providing assistance to beneficiaries
 - ❖ Recipient must submit a written request for a waiver to any potential conflict of interest PRIOR to undertaking any action
 - ❖ Requests for a waiver after assistance has been provided may not be considered
 - ❖ Determination issued by municipal Attorney
 - ❖ A request for a waiver to an apparent conflict of interest must be approved by OCR

General Financial Management

Financial Management

Guidance for General Financial Management

- General Financial Management
- Accounts Management/Documentation
- Program Delivery vs. Program Administration
 - Economic Development vs. Competitive
- Indirect vs. Direct Costs
 - If Subrecipients charge indirect costs, an Indirect Cost Allocation Plan is required.
- Program Income

✓ Refer to OCR GAM Chapter 3 for further guidance on general financial management.



General Financial Management

- Maintain all appropriate financial records per the General Municipal Law and in accordance with NYS Audit & Control for Municipalities.
- Municipality is responsible for the expenditure of funds – not consultant or subrecipient.
- NYS CDBG funds are drawn down from OCR as costs are incurred and funds must be expended within 3-5 days of funds being deposited into designated account. Payment must go directly to beneficiaries and/or vendors and cannot be transferred to another account.
- Expended funds refer to the direct payment of NYS CDBG funds to the vendor identified on 1-4A Disbursement Summary.
- If prepaying project costs through local funds, do not transfer any local funds into the NYS CDBG account. When NYS CDBG funds are deposited into the account, show the transfer to the local funds for reimbursement.

Accounts Management/Documentation

- Must document expenditure of funds from contracts to invoices, to requests for funds, to deposit of funds, to transfer of funds, to cancelled checks for payment.

Program Delivery

- These are generally costs that can be attributed directly to the delivery of the specific proposed activities

Program Administration

- Generally, these are administrative costs associated with salaries, wages, and related costs of the grant recipient's staff, the staff of local public agencies, or other staff, including consultants and subrecipients engaged in program administration for the awarded NYS CDBG grant award

Indirect vs. Direct Costs – If municipality or subrecipient is billing for administrative services

- Indirect – require a cost allocation plan that must be submitted prior to the request for administrative funds. Items not allowed – dues, subscriptions, non-CDBG related conferences. These would need to be charged as direct costs, if attributable to CDBG projects.
- Direct – costs directly related to administration/program delivery of the awarded CDBG project – staff time, travel costs related to the project, etc.

Program Income

- If program income has been received from prior NYS administered CDBG or HUD administered CDBG programs, Recipient must submit a Program Income Plan to OCR.
- Must use program income prior to requesting project/activity funds from OCR.
- Cannot use CDBG funds to reimburse any program income funds used on a project regardless of the intended use of the program income.
- Program Income must be maintained in a separate, interest bearing checking account.

For further guidance on financial management, please refer to Chapter 3, Financial Management of the OCR GAM

Reporting Requirements

Reporting Requirements

Types of reporting requirements

- Annual Performance Reports (APR) – **Due January 10th**
 - Form 3-1, for all housing activities
 - Form 3-2, for all public infrastructure and facility activities
 - Form 3-3, for all economic development, small business and microenterprise assistance activities
- Project Status Reports – **Due July 10th**
 - Form 3-4



Annual Performance Reports

- Due every year on January 10 regardless of whether or not accomplishments are being reported.
- The APR is to report on the prior year's activity only, it is not a cumulative report, do not include previously reported data.
- The APR is specific to the activity being undertaken
 - Form 3-1 is only for housing activities
 - Form 3-2 is only for public infrastructure and public facility activities
 - Form 3-3 is only for Economic Development, Small Business and Microenterprise Activities

Status Reports

- Due every year on July 10.
- The status report is a mid-year snapshot that should reflect overall project status

Reporting Requirements

Types of reporting requirements – Cont.

- Federal Assistance Expenditure Reports – Due 60 days after the end of the fiscal year
 - Form 9-1
- Single Audits – Due 9 months after the end of the fiscal year



Federal Assistance Expenditure Reports

- Due 60 days after the end of a Recipient's fiscal end date and is a report to determine whether or not a Recipient expended \$500,000 or more in **ALL** Federal funds (not just CDBG).

Audits

- May be required if more than \$500,000 from **ALL** sources of Federal funds were expended in a Recipient's previous fiscal year; due 9 months after the fiscal end date.
- If the audit is submitted to the Federal Clearinghouse, the OCR does not receive a copy, you are responsible for directly submitting the audit to the OCR.

New Single Audit Requirements

- The Single Audit threshold has been raised from \$500,000 to \$750,000 effective December 26, 2014
- This will apply for Fiscal Years that begin on or after that date.
- For example, most Counties have Fiscal Year end dates of 12/31, in that case, the County fiscal year that begins 1/1/2015 will be subject to the higher threshold amount.

Reporting Requirements

Types of reporting requirements – Cont.

- Labor Standards Enforcement Report – Due in April and October
- Minority and Women's Business Enterprise – Due November 15th
- Section 3 Reporting – Due January 31st



Labor Compliance Report

- This is a semi-annual report which tracks compliance with Davis-Bacon Federal Prevailing Wages
- Any project determined to be subject to Davis Bacon must submit the report
 - Reporting Periods are
 - April 1 to September 30
 - Report is due no later than October 10
 - October 1 to March 31
 - Report is due no later than April 10

Minority and Women's Business Enterprise and Section 3 Reporting

- Reports are currently issued by the Fair and Equitable Housing Office

Procurement

Procurement

Types of Procurement

- Small Purchase
 - Procurement methods for securing services, supplies, or other property that do not cost more than \$100,000 in the aggregate.
 - Price or rate quotations shall be obtained from an adequate number of qualified sources.
 - Should not be used for retaining the professional services of an architect, auditor, engineer or consultant for your NYS CDBG project.



Maintain a copy of the local procurement guidelines with the project files.

If the federal and local policies have different standards, the stricter of the two policies prevails.

- For example, Federal procurement has a threshold of \$100,000 for Small Purchase, however, most municipalities in NYS have lower thresholds for this.
- If the local threshold for small purchase is lower, that must be followed.

Small Purchase

Those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$100,000 in the aggregate, again, **MUST FOLLOW LOCAL PROCUREMENT!**

- Price or rate quotations shall be obtained from an adequate number of qualified sources.
- **This should not be used for retaining the professional services of an architect, auditor, engineer or consultant for your NYS CDBG project.**

A cost analysis must be provided including the projections of the data, and the evaluation of the specific elements of costs and profits.

Procurement

Types of Procurement

- Sealed Bids
- Competitive Proposals
- Non-competitive/Single-Source



- ✓ All procurement **must** be in compliance with Federal Procurement at 24 CFR85.36
- ✓ All procurement **must** also be in compliance with local procurement policy. If the Federal Policies and the recipient's Policies contradict each other, you **must** use the stricter of the two.



Sealed Bids

Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest price. The sealed bid method is the preferred method for procuring construction

Competitive Bids

The phrase "procurement by competitive proposals" is often used interchangeably with the frequently used term "Competitive Negotiation." This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. The method for soliciting competitive proposals is the publication of a Request for Proposal (RFP). Procurement by competitive proposals is the appropriate procurement procedure for retaining professional services such as an architect, auditor, or engineer for your NYS CDBG project.

When a Recipient receives only one response to a competitive solicitation, the procurement process should be reviewed by OCR to determine whether it was unduly restrictive or tailored to a particular contractor or supplier. The burden of proof will be on the Recipient to demonstrate that it made reasonable efforts to assure maximum open and free competition and that its procurement procedures did not have the effect of unnecessarily restricting competition.

Noncompetitive/ Single Source Proposals

Noncompetitive negotiation is procurement through solicitation of a proposal from only one source or, after solicitation of a number of sources; competition is determined to be inadequate.

Procurement by noncompetitive proposals may be used only when the award of a contract is unfeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

- The items or services required are only available from a single source;
- A public emergency exists such that the urgency will not permit a delay beyond the time needed to employ one of the other authorized procurement methods;
- After solicitation from a number of sources, competition is determined to be inadequate, and OCR authorizes the noncompetitive method. In all cases, noncompetitive negotiation which will involve NYS CDBG funds must have prior approval from OCR. Recipients must contact the assigned Community/Economic Developer.

A cost analysis must be provided including the projections of the data, and the evaluation of the specific elements of costs and profits.

Procurement

Contract Requirements

- Bonding Requirements
 - All construction contracts in excess of \$100,000 must include provisions for bid, performance and payment bonds.
- Contract Provisions
 - Exhibit 4-1
 - Contains specific contract provisions that may apply to the contract that the Recipient or sub-recipient is entering into.
- Minority and Women's Business Enterprises (M/WBE)
 - Contact ESDC at <http://www.esd.ny.gov/MWBE.html> for the purpose of developing a list of M/WBE firms and conducting a direct outreach or solicitation to these firms.
- Section 3 Rider
 - Must be included in its entirety.

✓ Refer to OCR GAM Chapter 4 for further guidance on procurement standards.



Bonding Requirements

This is mandatory for all construction contracts in excess of \$100,000

- 5% Bid Bond, 100% Performance Bond, 100% Payment Bond
 - Failure to adequately secure all three bonds PRIOR to executing contracts may result in project costs being deemed ineligible for NYS CDBG reimbursement.

Contract Provisions

The OCR GAM, Chapter 4, Exhibit 4-1 provides a list of required contract provisions.

- The Recipient is responsible for ensuring that the appropriate provisions are included in all procurement.

Minority and Women's Business Enterprises (M/WBE)

- Recipient must demonstrate that a good faith effort to solicit M/WBE firms. This shall include a statement in all IFB's, RFP's and RFQ's that states "Municipality Name strongly encourages Minority and Women's Business Enterprises to apply"
- Contact ESDC at <http://www.esd.ny.gov/MWBE.html> for the purpose of developing a list of M/WBE firms and conducting a direct outreach or solicitation to these firms.
 - Reporting on M/WBE is required of all Recipients of NYS CDBG funds.

Section 3

- For any contract in excess of \$100,000, Recipients must ensure that Section 3 Business concerns are solicited and that attempts are made to hire Section 3 residents for any new hires.
- Reporting on Section 3 is required of all Recipients of NYS CDBG funds.

Labor Standards Compliance

Labor Standards Compliance

General Labor Standards Requirements

- Davis-Bacon - applicable to any construction projects over \$2,000 in total cost.
 - Refer to the 8 Step Labor Standards Administration.
 - For Housing Rehabilitation projects consisting of 8 or more units, Davis-Bacon **is applicable**.

- Compliance
 - Labor Standards Compliance Officer.
 - Federal wage decisions obtained from www.wdol.gov.
 - Included wage rates in bid specifications.
 - Maintain copies of weekly payroll verified.
 - Conduct appropriate number of employee interviews.

✓ Refer to OCR GAM Chapter 5 for further guidance on labor compliance.



All bid specifications for construction must be submitted to the assigned developer for compliance review with CDBG regulations prior to releasing the project for bid, this must occur prior to requesting any NYS CDBG funds for construction activities.

Davis Bacon

- Applicable to construction projects over \$2,000, and to any housing projects with 8 or more units.
- Applicable wage rates must be included with all bid specifications
- Reporting on Davis-Bacon compliance will be required of all Recipients of NYS CDBG funds.

Compliance

- Designate a Labor Standards Compliance Officer
- Obtain Federal wage decisions from www.wdol.gov and submit copies to OCR, when subject to both State and Federal prevailing wages, use higher of the two wages and document
- Include labor standards compliance information including wage rates in bid specifications – Submit copy to OCR
- Maintain copies of weekly payroll verified and signed by the Labor Standards Compliance Officer and conduct appropriate number of employee interviews, complete interviews on Form HUD-11, www.hud.gov/offices/adm/hudclips/forms/files/11.doc.

Project Sign

Project Sign

Project Signs

- OCR requires a project sign at the site of all construction projects which involve more than \$50,000 in NYS CDBG funds.
 - The cost associated with meeting this requirement is an eligible expense and may be charged as a construction or an administrative expense.
- Link to the sign specifications in the Grant Administration Manual, Chapter 5 will be updated in the coming weeks.

✓ Refer to OCR GAM Chapter 5 for further guidance on the project sign.



- If a project sign has been ordered and installed, modifications are not required at this time.
- If a project sign has not been ordered at this time, please wait until the new specifications are available.

Property Acquisition and Management

Property Acquisition

Property Acquisition and Management

- Applies only when the Recipient, in this case, the local government, directly purchases:
 - Real Property
 - Equipment



Recipients are responsible for any property acquired in whole or in part with NYS CDBG funds. Recipients must:

- Maintain a physical inventory of all property, both real property and equipment;
- Reconcile property records at least once every two years;
- Maintain a control system to ensure safeguards to prevent loss, damage, or theft of property. Any loss, damage, or theft must be investigated;
- Develop adequate maintenance procedures to keep property in good condition; and
- Establish proper sales procedures that will ensure the highest possible return when the sale of real property is necessary.

Displacement, Relocation and Replacement

Displacement and Relocation



Displacement and Relocation Assistance

- Anti-Displacement and Relocation Assistance Plan
 - Required for any project that has the potential to cause displacement, relocation or replacement (i.e. HR projects).

- ✓ To ensure compliance with the Uniform Relocation Act, recipients should reference the HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition (www.hud.gov/offices/cpd/library/relocation/policyandguidance/handbook1378.cfm) and 49 CFR Part 24 for detailed information on the specific displacement, relocation and acquisition requirements.

- ✓ Refer to OCR GAM Chapter 5 for further guidance on property acquisition and management.



Recipients who undertake NYS CDBG-assisted activities that involve displacement, permanent relocation, demolition or conversion of residential units occupied by low-income households are responsible for complying with all regulations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), and Section 104(d) of the Housing and Community Development Act of 1974, as amended, and all implementing regulations.

The primary purpose of these laws is to ensure that when NYS CDBG-funded projects result in the demolition or conversion of units, all affected persons receive the proper relocation assistance and benefits. The acquisition requirements of the federal relocation and acquisition regulations apply in most instances, including when a property is acquired by a nonprofit or for-profit entity that has received a loan or grant from your NYS CDBG project.

Project Specific Requirements

- **Housing Rehabilitation**
- **Homeownership**
- **Public Infrastructure & Facilities**
- **Economic Development**

Housing Rehabilitation

Housing Rehabilitation

Housing Rehabilitation Policies and Procedures

- General Procedures
 - Establish written procedures that outlines the eligibility criteria, the requirements for income verification, the loan/grant requirements, repayment requirements, source of funds, etc.
- National Objective Compliance
 - **LMH**: Low/Mod housing and direct benefit.
 - Beneficiaries must demonstrate low- and moderate- income status.
 - Strict income documentation and verification is required.
- Marketing and Outreach
 - Maintain evidence of all activities undertaken to market the program to eligible persons.



Following these steps may ensure a more thorough and complete implementation process, compliance with applicable CDBG rules and regulations and can assist with ensuring that CDBG funds are expended on eligible activities.

The program implementation plan as developed by the Recipient should clearly outline responsibilities for everyone involved. Program policies and procedures should be approved by the local governing body and incorporated into a written manual available to the public.

All activities with the CDBG program must meet an eligible national objective as defined by the Housing and Community Development Act of 1974 at Section 105(c)(3). For the purpose of the NYS CDBG program, this compliance is demonstrated through LMH or low- and moderate income housing. Households at or below 80% of the area median income are defined as low- and moderate income.

When developing the eligibility criteria for the housing program, the definition of income that fits the needs of the program should be defined and must be incorporated and used consistently into any program implementation and marketing and outreach to prospective housing participants. You must maintain evidence of all activities undertaken to market the program to eligible persons such as ads, flyers, direct mailings, pre-applications, etc.

For further information and guidance, please refer to the OCR Grant Administration Manual Chapter 1, Getting Started. Refer to Exhibit 1-1, Program Manual Guidance, also contained within Chapter 1.

The manual can be found by going to: www.nyshcr.org/Programs/NYS-CDBG/GrantAdministration.htm

Housing Rehabilitation

Housing Rehabilitation Policies and Procedures

- File maintenance
 - Follow the guidance provided, recommended file labels are provided on the OCR website at http://www.nyshcr.org/Forms/NYS-CDBG/HR_Labels.pdf
 - Rehabilitation Case Files.
- Eligibility Requirements and Approved Project Design
 - Documentation of the uses of all NYS CDBG funds involved in the project to ensure that CDBG funds are expended only on eligible uses.



Maintaining an efficient filing system is critical to the administration and monitoring of your program. A successful monitoring experience hinges on the quality with which the Recipient maintains its filing system and the ease of obtaining information from those files.

When establishing a file system, Recipients should consider using two categories to set up their files, grant files, and project files. The grant files should contain documentation and information that relate to the overall funding and administration of your program. The project files should contain specific documentation and information pertaining to each NYS CDBG-funded project and should be maintained for a minimum of three (3) years from grant closeout or for the period required as specified by governing regulations.

Following these steps may ensure a more thorough and complete implementation process and compliance with applicable CDBG rules and regulations and can assist with ensuring that CDBG funds are expended on eligible activities.

At the time of monitoring, the OCR will conduct on-site inspections of a sample of properties that received housing rehabilitation assistance.

File maintenance guidance can be found in Chapter 6 of the OCR Grant Administration Manual.

Housing Rehabilitation

Lead Based Paint Compliance

- Document any projects that may be exempt including the reason for the exemption.
- OCR **is no longer** allowing for the presumption of lead.
- Document the Risk Assessments, Lead Testing, Lead Clearances.
- Document any lead hazard reduction activities.
- Lead Case files should include:
 - Form 5-1 Lead Based Paint Compliance Certification.
 - Exhibit 5-9 Calculating the Level of Federal Rehabilitation Assistance.

✓ Refer to the OCR GAM Chapter 5 for further guidance on these issues.



Effective with the execution of this grant agreement, the OCR no longer allows for presumption of lead for most housing rehabilitation activities.

All recipients of 2014 CDBG housing awards are required to submit lead based paint plans that are in compliance with HUD rules at 24 CFR Part 35 and EPA rules at 40 CFR Part 745. HUD has adopted the EPA rules.

All NYS CDBG funded housing rehabilitation projects must adhere to the Residential Lead-Based Paint Hazard Reduction Act of 1992, and which can be found at 24 CFR Part 35 and EPA Renovator, Repair and Painting rules at 40 CFR Part 745, as adopted by HUD. These regulations must be carefully followed to ensure that exposure to lead hazards is reduced in any residential property to be rehabilitated or purchased. The regulation can be found at www.hud.gov/offices/lead/.

HUD has created an Interpretive Guidance that can be used to address many of the questions that have arisen as a result of the implementation of these new regulations. This can also be found at www.hud.gov/offices/lead/.

Exhibit 5-9 should be maintained in each individual project case file.

Housing Rehabilitation

Lead Based Paint Compliance, Cont.

➤ Form 5-1 Lead Based Paint Compliance Certification

Form 5-1
CDBG LBP Compliance Plan Certification - Rehabilitation or Homeownership/Acquisition Assistance with Rehabilitation

Recipient Name	CDBG Project #
Certification of Compliance	
1. Exemption If a property meets an exemption in 24 CFR 31.111, the grantee will certify and document the exemption and maintain evidence of the exemption within each project file. <input type="checkbox"/>	
2. Workscope The grantee will develop a preliminary scope of work and cost estimates for purposes of the Federal Rehabilitation Assistance calculation and will provide the scope of work to the lead agency prior to completing all estimates of projects. <input type="checkbox"/>	
3. Workscope Work Scope If exempt, no certification is required. The grantee will develop a preliminary scope of work and cost estimates for purposes of the Federal Rehabilitation Assistance calculation and will provide the scope of work to the lead agency prior to completing all estimates of projects. <input type="checkbox"/>	
4. Federal Rehabilitation Assistance (FRA) calculation The grantee will complete and document the per unit cost and Federal Rehabilitation Assistance calculation (54M Exhibit 1-5) following the guidance in 49CFR 24.110(a) prior to starting contract. A completed Exhibit 1-5 will be retained with each project file. <input type="checkbox"/>	
5. Notice The grantee will provide the following notice to each owner and occupant: a. EPA Remedial Action - prior to work b. Project Time Frame/Lead to Live Home - prior to work c. Project Time Frame/Lead to Live Home - post-work d. Occupancy in Area Under Construction (54M Exhibit 1-5) e. Project completion date f. Evidence of receipt of each of the above items will be retained with each project file. <input type="checkbox"/>	
6. Exemption The grantee will conduct and document for each housing rehabilitation project, one of the following: a. If the FRA calculation is less than or equal to \$1,000 per unit cost, the project notice to be distributed will be valid for up to 180 days after the start of work on a risk assessment per 24 CFR 31.110(a), or, with the CDBG plus compliance, provided to be used. b. If the FRA calculation is more than \$1,000 per unit cost, an EPA certified risk assesser will be retained to conduct a risk assessment per 24 CFR 31.110(b). <input type="checkbox"/>	
7. Compliance The grantee will have EPA-certified Assessors under 40 CFR 140.230 for rehabilitation work in an ongoing program. a. If compliance is required (see Federal Rehabilitation Assistance calculation records 52, 59), an EPA Assessment Form will be conducted to perform all potential work. b. Evidence of EPA certification for each contract will be retained with each project file. <input type="checkbox"/>	
8. Occupant protection The grantee will ensure that the occupants and occupant belongings will be protected during any hazard control work per the requirements of 24 CFR 31.114. <input type="checkbox"/>	
9. Clearance The grantee will require clearance by an EPA certified professional for all hazard control work in compliance with 24 CFR 31.114, unless the unit painted surface is not to be rehabilitated or the unit is in the repair mode of 24 CFR 31.110(c), in which case: a. If the Federal Rehabilitation Assistance calculation does not exceed \$1,000, clearance of hazard materials. b. If the Federal Rehabilitation Assistance calculation exceeds \$1,000, clearance of the unit property. <input type="checkbox"/>	

Form 5-1 (2/2016)

10. Maintenance The grantee will ensure each project for compliance with these requirements as part of its overall project monitoring. <input type="checkbox"/>	
11. Records The grantee will maintain records that fully document compliance with all requirements in this certification for a minimum period of five years from the closing of the project. <input type="checkbox"/>	

Recipient Certification (Must be completed for the Recipient)

Certification:
The undersigned certifies that the Recipient will comply with the requirements of 24 CFR Part 31 and 40CFR Part 145 as summarized above for each property in the program, and agrees that failure to comply could result in suspension for the grantee to receive any non-compliance or in suspension unless agreed the Federal funds provided.

Chief Executive Officer: _____
(signature)
Title: _____
(typed name)
Date: _____

Subrecipient Certification (in addition to Recipient Certification, if applicable)

Certification:
The undersigned certifies that the Subrecipient, on behalf of the Recipient will comply with the requirements of 24 CFR Part 31 and 40 CFR Part 145 as summarized above for each property in the program, and agrees that failure to comply could result in suspension for the subrecipient on behalf of the Recipient to receive any non-compliance or in suspension unless agreed the Federal funds provided.

Name of Subrecipient: _____
Authorized Official: _____
(signature)
Title: _____
(typed name)
Date: _____

Form 5-1 (2/2016)



Following the requirements as outlined in Form 5-1 CDBG LBP Compliance Plan Certification will help avoid potential pitfalls and is submitted with the grant agreement.

Contact your assigned Community Developer with any questions regarding lead based paint.

Housing Rehabilitation

Lead Based Paint Compliance, Cont.

- Exhibit 5-9 Calculating the Level of Federal Rehabilitation Assistance

EXHIBIT 5-9
CALCULATING THE LEVEL OF FEDERAL REHABILITATION ASSISTANCE

Step 1. Determine the average Federal housing assistance per assisted unit. (For multi-family units, divide total by the number of assisted units.)

Step 2. Determine the rehabilitation hard costs for the unit. Exclude soft costs and costs that are solely attributable to the lead-based control work.

Step 3. Use the lesser amount to determine the level of rehabilitation assistance for purposes of determining the lead based evaluation, work and clearance required.

See the Grant Administration Manual, Section V.F. for further explanation of these steps.

	Project	Average Per Assisted Unit
Step 1. Federal Housing Assistance		
• HUD Funds		
• LIHTC Funds		
• Other HUD Funds (see)		
• Other Federal Housing Assistance (see)		
Average Federal Housing Assistance (per assisted unit)		
Step 2. Hard Cost of Rehabilitation		
Total estimated Rehabilitation Hard Costs		
Exclude Costs of LBP-based control work (see notes)		
Average Hard Cost of Rehabilitation (per assisted unit)		
Step 3. Federal Rehabilitation Assistance (per assisted unit)		
Select the greater of Steps 1 & 2 calculations (per assisted unit) and check applicable compliance notes (see notes)		
If unit cost is greater than \$1,000 per unit:		
• That unit will be demolished or purchased LBP with OCHC compliance		<input type="checkbox"/>
• Follow Job Work Practices on disturbed surfaces		<input type="checkbox"/>
• Class B (lead remediation work only with full removal dust wipes)		<input type="checkbox"/>
If above \$1,000 but less than \$17,000 per assisted unit:		<input type="checkbox"/>
• Conduct risk assessment of unit		<input type="checkbox"/>
• Follow NY 1340 interim controls for all basements		<input type="checkbox"/>
• Class B (LBP) entire unit		<input type="checkbox"/>
If more than \$17,000 per assisted unit:		<input type="checkbox"/>
• Conduct risk assessment of assisted unit & common areas		<input type="checkbox"/>
• Allow interim controls (control credits purchased by renter)		<input type="checkbox"/>
• Class B (lead abate unit)		<input type="checkbox"/>

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Grant Administration Manual Page 11



Following the requirements as outlined in Exhibit 5-9 Calculating the Level of Federal Rehabilitation Assistance will help avoid potential expenditure discrepancies regarding all applicable regulations. This form should be maintained in each individual project file.

Contact your assigned Community Developer with any questions regarding lead based paint.



Homeownership

Home Ownership

Housing Ownership Policies and Procedures

- General Procedures
 - Establish written procedures that outlines the eligibility criteria, the requirements for income verification, the loan/grant requirements, repayment requirements, source of funds, etc.
- National Objective Compliance
 - **LMH**: Low/Mod housing and direct benefit.
 - Beneficiaries must be qualified as low- and moderate- income.
 - Strict income documentation and verification is required.
- Marketing and Outreach
 - Maintain evidence of all activities undertaken to market the program to eligible persons.



At the time of application, all housing projects must meet National Objective Compliance by demonstrating that all single units contain low or moderate income households, and at least 51% of all multi-units contain low- and moderate income households. This can be demonstrated through evidence of household income.

At the time of the monitoring, OCR will conduct an on-site inspection of a sample of homes that have been purchased.

Home Ownership

Housing Ownership Policies and Procedures

- File maintenance
 - Follow the guidance provided, recommended file labels are provided on the OCR website at http://www.nyshcr.org/Forms/NYS-CDBG/HO_Labels.pdf
 - Home Ownership Case Files

- Eligibility Requirements and Approved Project Design
 - Documentation of the uses of all NYS CDBG funds involved in the project to ensure that CDBG funds are expended only on eligible uses.



The development of policies and procedures is necessary for the homeownership activities, just as it is necessary for housing rehabilitation activities, therefore, make sure the project is adhering to the guidance that was previously provided in the Housing Rehabilitation portion of the webinar.

Home Ownership

Lead Based Paint Compliance

- Without Housing Rehabilitation
 - Visual Assessments
- With Housing Rehabilitation
 - Document any projects that may be exempt including the reason for the exemption.
 - OCR is no longer allowing for the presumption of lead.
 - Document the Risk Assessments, Lead Testing, Lead Clearances.
 - Document any lead hazard reduction activities.
- Lead Case files should include:
 - Form 5-2 Lead Based Paint Compliance Certification
 - Exhibit 5-9 Calculating the Level of Federal Rehabilitation Assistance



Lead based paint requirements for Housing Ownership include only visual assessments if no housing rehabilitation is being conducted. If the project does include housing rehabilitation, then the same procedures will be followed as for housing rehabilitation.

Home Ownership

Lead Based Paint Compliance, Cont.

- Form 5-2 Lead Based Paint Compliance Certification

Form 5-2 CDBG LBP Compliance Plan Certification - Homeownership/Acquisition Assistance Only (No Rehabilitation)	
Recipient Name: _____ CDBG Project: _____	
Certification of Compliance	
1. Exemption If a property meets an exemption in 24 CFR 31.113, the grantee will certify and document the exemption. If exempt, no certifications below apply to the property.	<input type="checkbox"/>
2. Visual Assessment The grantee will conduct a visual assessment for a person who has completed the HUD visual assessment online training (http://www.hud.gov/offices/hud-cca/homes/visualassessment.html).	<input type="checkbox"/>
3. Notices The grantee will require that the following notices be provided to the home prior to or at closing: a. Buyer's True Family Plans Lead b. Seller Disclosure of CDBG LBP Status	<input type="checkbox"/>
4. Painted surface repair If the visual assessment indicates deteriorated or deteriorating painted surface requiring repair, the grantee will require that surfaces be repaired following paint rehabilitation requirements in 24 CFR 31.113(b) including: a. Repair will be conducted for a prime or base with surface coated material under 24 CFR 31.113(b) or EPA Resurface certification under 40 CFR 163.114. b. Each such practice under 24 CFR 31.113(b) will be followed, including escrow protection, unless the total painted surfaces disturbed by deterioration are less than the de minimis levels of 24 CFR 31.113(b). c. Worksite clearance will be conducted by an EPA-certified professional under 24 CFR 31.114(d), unless the total painted surfaces disturbed by deterioration are less than the de minimis levels of 24 CFR 31.113(b).	<input type="checkbox"/>
5. Closing Maintenance (credit only) If the subject property is a rental property subject to use restrictions, the grantee will require the owner to follow the ongoing maintenance requirements of 24 CFR 31.113(b) for a period of five years after completion of the work.	<input type="checkbox"/>
6. Rewards The grantee will ensure records that fully document compliance with all requirements in this certification for a period of five years from the date the project is closed out with the OCE.	<input type="checkbox"/>
1	Form 5-2 (2/2016)

Recipient Certification (Must be completed by the Recipient)	
Certification: The undersigned certifies that the Recipient will comply with the requirements of 24 CFR Part 31 and 40 CFR Part 163 as summarized above for each property in the program, and agrees that failure to comply could result in suspension for the grantee to correct any non-compliance as in response and/or report the related funds provided.	
Chief Executive Officer: _____ (Signature)	_____
Chief Executive Officer: _____ (Typed name)	_____
Title: _____	_____
Date: _____	_____
Subrecipient Certification (in addition to Recipient Certification, if applicable)	
Certification: The undersigned certifies that the Subrecipient, on behalf of the Recipient will comply with the requirements of 24 CFR Part 31 and 40 CFR Part 163 as summarized above for each property in the program, and agrees that failure to comply could result in suspension for the subrecipient on behalf of the Recipient to correct any non-compliance as in response and/or report the related funds provided.	
Name of Subrecipient: _____	_____
Authorized Official: _____ (Signature)	_____
Authorized Official: _____ (Typed name)	_____
Title: _____	_____
Date: _____	_____
2	Form 5-2 (2/2016)



Form 5-2 applies to all homeownership assistance that is restricted to mortgage subsidy, down payment assistance and/or closing costs. If the homeownership assistance includes any housing rehabilitation, from ANY source of funding, the CDBG Lead Based Paint Compliance Certification (Form 5-1) will apply.

Contact your assigned Community Developer with any questions regarding lead based paint.

Home Ownership

Lead Based Paint Compliance, Cont.

- Exhibit 5-9 Calculating the Level of Federal Rehabilitation Assistance

EXHIBIT 5-9
CALCULATING THE LEVEL OF FEDERAL REHABILITATION ASSISTANCE

Step 1. Determine the average Federal housing assistance per assisted unit. (For multi-family units, divide total by the number of assisted units.)

Step 2. Determine the rehabilitation hard costs for the unit. Exclude soft costs and costs that are solely attributable to the lead based control work.

Step 3. Use the lesser amount to determine the level of rehabilitation assistance for purposes of determining the lead based evaluation, work and clearance required.

See the Grant Administration Manual, Section V.F. for further explanation of these steps.

	Project	Average Per Assisted Unit
Step 1. Federal Housing Assistance		
• HUD Funds		
• LIHTC Funds		
• Other HUD Funds (see)		
• Other Federal Housing Assistance (see)		
Average Federal Housing Assistance (per assisted unit)		
Step 2. Hard Cost of Rehabilitation		
Total estimated Rehabilitation Hard Costs		
Exclude Costs of LBP based control work (see notes)		
Average Hard Cost of Rehabilitation (per assisted unit)		
Step 3. Federal Rehabilitation Assistance (per assisted unit)		
Select the greater of items 1 & 2, but not to exceed the amount of HUD funds available (see notes)		
If not less than \$1,000 per unit:		
• This method to be detailed or pre-approved LBP with OCHC concurrence		<input type="checkbox"/>
• Follow Job Work Practices on disturbed surfaces		
• Class II (clear operations work only with no removal dust wipes)		
If above \$1,000 but less than \$17,000 per assisted unit:		<input type="checkbox"/>
• Conduct risk assessment of unit		
• Follow 21, 1940 asbestos controls for all basements		
• Class II (clear entire unit)		
If more than \$17,000 per assisted unit:		<input type="checkbox"/>
• Conduct risk assessment of assisted unit & common areas		
• Allow asbestos removal operation (asbestos generated by exterior)		
• Class II (clear entire unit)		

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As noted during the housing rehabilitation portion of the webinar, Exhibit 5-9 must be maintained in each individual project file, if the homeownership activity includes any rehabilitation.

Public Infrastructure & Facilities

Public Infrastructure and Facilities

Public Facilities Policies and Procedures

- Program Implementation Plan
 - Establish a program implementation plan that outlines responsibilities of all involved parties.
- File maintenance
 - Follow the guidance provided, recommended file labels are provided on the OCR website at http://www.nyshcr.org/Forms/NYS-CDBG/PF_Labels.pdf
- Eligibility Requirements and Approved Project Design
 - Documentation of the uses of all NYS CDBG funds involved in the project to ensure that CDBG funds are expended only on eligible uses.
 - Plans and specifications must be submitted to OCR for compliance review prior to going out to bid.



Public infrastructure generally refers to sewer, water, storm drain or other public improvements.

Public facilities generally refers to health clinics, day care facilities, senior centers and community centers.

Setting up a clearly defined program implementation plan now could help avoid problems down the road.

The file maintenance labels are provided to assist with both the implementation of the project, but also, good record keeping. Not all files will apply in all cases. Review the instructions or contact your assigned Community Developer with any questions.

Following the file maintenance outline will greatly assist with the project monitoring.

Prior to putting the project out to bid, the specifications must be submitted to the assigned Community Developer for compliance review with NYS CDBG program requirements.

Failure to submit the plans for review may result in some costs being deemed ineligible for CDBG reimbursement.

Public Infrastructure and Facilities

Public Facilities Policies and Procedures, cont.

- National Objective Compliance
 - LMA: Low/Mod Area Benefit.
 - Service Area must be 51% low- and moderate- income.
 - Maintain Evidence in Project Files:
 - Income Survey
 - Census Data
- OCR Site Inspection
 - Project activities completed as indicated in application for assistance.
 - Required elements documentation:
 - Project Sign
 - Wage rates posted at work site
 - Labor posters, etc.



At the time of application, all public infrastructure and facility projects met National Objective Compliance by demonstrating that at least 51% of all beneficiaries are low- and moderate income.

This was demonstrated through an income survey or census data.

If an income survey was utilized to demonstrate eligibility, the Recipient is **required** to retain the surveys and must be able to produce all surveys at the time of monitoring, this is the only evidence that exists that the project is eligible for NYS CDBG assistance.

Failure to produce the surveys may result in all costs being deemed ineligible use of funds, and all expended funds may be subject to recapture.

At the time of monitoring, OCR will conduct an on-site inspection to review the work that has been completed, this must be consistent with all activities described in the application.

The Recipient must maintain evidence that a project sign was on-site, and that all applicable wage rates and required labor posters were posted. The best way to document this is by taking pictures.

Economic Development

Traditional Economic Development
Microenterprise
Small Business Assistance

Economic Development

Grant/Loan Agreement with Business

- Draft and execute a grant/loan agreement with business.
- Terms of the grant/loan and interest rate, if applicable.
- CDBG reporting requirements.
- Number of jobs to be created/retained and the number of low-mod.
- Time of performance.
- Davis-Bacon and other important compliance provisions.
- Required clauses from Grant Administration Manual Exhibit 4-1.
- Repayment, recapture, and other default mechanisms.



- Required for all projects types (ED, SB, ME)
- The Recipient must draft either a loan agreement, grant agreement or both, depending on how the funds will be provided to the business.
- These agreements must include the specific terms, such as the repayment term, payment amount, and interest rate, if applicable. They should include the reporting requirements for the CDBG program.
- Agreements must also include the number of jobs to be created/retained and the number of low- to moderate- income jobs out of the total number.
- The agreement should include the time frame of performance. CDBG contracts are 24 months from the date of award, and all aspects of the project, including job creation must happen during that timeframe.
- The agreements should include references to compliance with Davis-Bacon and any other applicable regulatory requirements, including the required clauses from the Grant Administration Manual Exhibit 4-1.
- The agreements should also discuss what happens if the company defaults on any of the terms of the agreement, such as immediate repayment, conversion of a grant to a loan, or other default mechanisms as determined by the Recipient's legal counsel to be advisable.
- At any time during the development of these agreements, Recipients are welcome to contact OCR staff with any questions. Once completed, Recipients must submit a copy of the loan/grant agreement to the OCR for review prior to closing with the business.

Economic Development

Funds Disbursement Procedures

- Maintain copies of the approved plans and documentation of the sources and uses of all funds.
- Review expenses to ensure that CDBG funds are only expended on eligible uses.
- Request CDBG funds on a pro-rata basis with all other funding sources.
- Ensure that leveraged funds are expended as proposed in the application.
- Maintain documentation of all project costs in the project files.



Regarding the funds disbursement process and procedures:

- The Recipient must maintain copies of the approved plans and documentation of the sources and uses of all funds;
- the Recipient must review expenses to ensure that CDBG funds are only expended on eligible uses;
- the Recipient must request CDBG funds on a pro-rata basis with all other funding sources;
- the Recipient must ensure that leveraged funds are expended as proposed in the application;
- lastly, the Recipient must maintain documentation of all project costs in the project files. For example, a project funded with CDBG funds, County funds, owner equity, and Empire State Development funds should show the receipt and use of those other funding sources. Documentation will include invoices, purchase orders, or at a minimum, a spreadsheet listing the sources and the invoices paid with each funding source.

Economic Development

National Objective

Economic Development and Small Business projects must meet an LMJ (job creation/retention) National Objective.

- Job creation is defined as:
‘Taken (held) By’
or
‘Made Available To’

Microenterprise projects must meet at least one of two National Objectives:

- LMJ (job creation)
or
LMCMC (low-to-moderate income owner)



- Economic Development and Small Business projects must meet an national objective under LMJ, or Low Mod Job Creation or Retention. Job creation is defined as either ‘Taken or Held by’ or ‘Made available to.’
- Microenterprise projects must meet at least one of two national objectives: or Low Mod Job Creation (LMJ) or Low Mod Income Owner, or (LMCMC.)

Economic Development

Job Creation

- Every project must result in the creation of permanent jobs, with at least 51% held by or made available to low- and moderate-income (LMI) persons.
- 'Taken (Held) By' A job is considered to be taken by a LMI person if, at the time their employment starts, that person is a member of a family whose income falls at or below the applicable Section 8 Income Limits.
- Income is verified through a Family Income Form.
- The recipient must develop hiring procedures that outline how positions will be marketed and ensure "first consideration" to LMI individuals.



- A minimum of 51% of the jobs created as a result of an economic development or small business award must be either taken/held by or made available to persons from LMI families.
- For all jobs created, all persons **applying** must complete a Family Income Form
- The Recipient must have procedures in place for actually documenting the jobs created through the project.
- The Recipient must establish procedures for ensuring National Objective compliance. All jobs must be created, as well as reported to OCR, within 24 months from the Recipient's award date.
- As part of the procedures for ensuring compliance, the Recipient must work with the company to identify the marketing plan for the open positions to ensure that the plan is adequate to reach enough low- and moderate-income candidates to be considered for the positions to reach the 51% LMI benefit. Marketing of the positions can be through newspaper ad, online, etc., and the positions can also be marketed through local workforce agencies and departments.
- The Recipient must have procedures in place for actually documenting the jobs created through the project. This is done through the completion of OCR's Economic Development Job Forms, which are available on our website. The forms include the Notice of Impending Hiring For Covered Jobs, Notice to be Published in the Local Newspaper, Family Income Form, Job Applicant List, and Quarterly Hiring Report.

Economic Development

(NAME OF COMMUNITY)
FAMILY INCOME FORM

Control Number _____

The employment position for which you are applying has been made available with financial assistance from _____ (Name of Community) using Federal Community Development Block Grant Funding. As a result, the employer is required to obtain the following information:

Name _____ Job Title _____
Address _____

INSTRUCTIONS

Determine your family size by counting yourself and each family member who *currently* resides with you within the same housing unit. A family member is a person who is related to you by birth, marriage, or adoption. Circle the appropriate family size below. Next, total the income from all sources received during the last calendar year (January-December) by yourself and each member of your family who *currently* resides with you. Income includes wages, salaries, tips, business income, interest, dividends, the taxable portion of pensions and annuities, IRA distributions, rents, royalties, partnerships, unemployment compensation, and social security; less alimony paid and unremunerated employee business expenses calculated consistent with IRS Form 2106. Compare this total to the figures listed for the circled family size and indicate whether it is above or below the listed figure by checking the appropriate box.

Family Size (Circle)	My Family Income is (check one)			
	<30% Median	30-50% Median	50-80% Median	>80% Median

9 or more _____ Actual Income \$ _____

Race: White Black/African American Asian American Indian/Alaskan Native
 Native Hawaiian/Other Pacific Islander American Indian/Alaskan Native and White Asian and White
 Black/African American and White American Indian/Alaskan Native and Black/African American
 Other Multi-Racial Hispanic*

Ethnicity
 * Hispanic - HUD has designated Hispanic as an ethnic group. A person should be identified as both a member of a racial group and an ethnic group when this ethnic group is selected.

Female Head of Household Elderly Person Disabled Person

Currently Employed? Yes or No (circle)

The information provided herein will be confidential and will only be used to provide statistical data required under the Community Development Block Grant program. It is subject to verification pursuant to the rules and regulations of the Office of Community Renewal and the U.S. Department of Housing and Urban Development.
 I certify that the information provided herein is true to the best of my knowledge.

Signature _____ Date _____
 Office of Community Renewal (31-0000)



- If you need help completing this form, we are available to help you through it.
- This form can be found at the link below:
 - <http://www.nyshcr.org/Forms/NYS-CDBG/EconomicDevelopmentJobForms.pdf>
- HUD Family Income Limits for each year are available at the link below:
 - <http://www.huduser.org/portal/datasets/il/il14/index.html>

Economic Development

Job Creation

- 'Made Available To': A job is considered to be made available to a LMI person if the position does not require special skills acquired from substantial training or work experience, and education beyond high school is not a prerequisite to employment. Also, the assisted business must take actions to ensure that LMI persons receive first consideration for filling such jobs.



- All jobs to be 'Made available to' LMI persons must demonstrate through the job descriptions and requirements that the positions are able to be made available to an LMI individual. These jobs can not require more than a high school education, 1 year or more of experience, or any advanced skills or certifications, for each position being filled unless on the job training is to be provided.
- This documentation should be kept on file by the Recipient.
- Family Income Forms are required for all persons that **apply** for a position.

Microenterprise Program

LMJ

- If LMJ, at least one full-time equivalent (FTE) position must be created. If more than one position is created, at least 51% must benefit LMI individuals.
 - Owner should NOT be included or reported as a created job.
- If LMCMC, the business owner must demonstrate LMI status. Family Income Forms must be completed and income is verified by tax returns.
 - Owners must complete the approved entrepreneurial training program.
- Retention is not permitted in the Microenterprise Program.



- All jobs to be 'Taken by' LMI persons must demonstrate through the Family Income Form that the positions are able to be made available to an LMI individual.
- All low-and moderate-income owners meeting an LMCMC objective will need to verify their income through their most recent tax return. The Adjusted Gross Income (AGI) is used to determine a business owners LMI status.
- All owners are required to complete the entrepreneurial training program.
- Job retention is **not** permitted in the Microenterprise Program

Economic Development and Small Business

Job Retention

- Evidence that in the absence of CDBG assistance, the jobs would be lost.
- Reviewed at time of application.
- Documenting evidence of retention:
 - Evidence that the business has issued a notice to affected employees or made a public announcement to that effect, or
 - Analysis of relevant financial records which clearly and convincingly shows that the business is likely to have to cut back employment in the near future without the planned intervention.
- To be qualified as LMI, 51% or more of the retained jobs must be:
 - Known to be held by LMI persons at the time CDBG assistance is provided.
- Family Income Forms are required for all positions.



Job Retention:

- The business must be able to provide evidence that in the absence of CDBG assistance, the jobs would be lost.
- This means that you have either reviewed and analyzed the business' financial records to determine that without CDBG assistance these jobs would be lost, either through business closure or employment reduction; or the business has made and provided to you, a notice to employees or other public announcement of their closure or employment reduction.
- OCR must review and concur with the determination from the documentation provided
- To meet the LMI jobs standard, 51% or more of the retained jobs must be:
 - Known to be held by LMI persons at the time CDBG assistance is provided and
 - Job Retention is determined by OCR at the time of application and it must also be maintained in the project files.

Economic Development

Job Reporting

- Document the actual jobs created and/or retained.
- Part-time jobs must be converted to full-time equivalents (40 hours).
- All jobs must be created/retained and reported within 24 months from the Recipient's award date.
- Reporting in the Annual Performance Report is for the reporting period only, not cumulative.
- Failure to meet the above could result in the recapture of funds from the Recipient.
- If job reporting is not complete within the 24 month period, the Recipient must continue to submit reporting documents until OCR determines that reporting is complete.



Job Reporting:

Document the actual jobs created and/or retained

- Part-time jobs are multiplied by the average number of hours worked. That number is then divided by 40 to determine the FTE figure
 - An FTE job is any combination of two or more part-time jobs that, when combined together, constitute the equivalent of a job of at least 40 hours per week.
 - Reporting in the Annual Performance Report is for the reporting period only, not cumulative
 - All jobs must be created or retained within 24 months from the Recipient's award date.
-
- Failure to meet the above could result in the recapture of funds from the Recipient.
 - Reporting should come directly from data on Family Income Forms, tax returns (if applicable) and job description. Report on data at hand only, not on assumptions.

JOB APPLICANT LIST

Company Name: _____ Job Applicant List Complete Through: _____ Date _____

APPLICANT NAME	LM ()	UNEMPLOYED (%)	STATUS()			JOB TITLE * If not hired, state reason for decision
			HIR	PEN	REJ*	

STATUS:
HIR = Hire
PEN = Pending
REJ = Reject

Office of Community Renewal (11/2009)


NEW YORK
STATE OF
OPPORTUNITY
 Homes and
Community Renewal

- This form can be found at the link below:
<http://www.nyshcr.org/Forms/NYS-CDBG/EconomicDevelopmentJobForms.pdf>

NOTICE OF IMPENDING HIRING FOR COVERED JOBS

Fourteen days prior to interviewing for a covered job, this form must be completed and sent to _____ (Name of Community).
 Business DUNS Number _____

JOB TITLE/ EDA JOB CLASSIFICATION	JOB DESCRIPTION	REQUIRED SKILLS/ EDUCATION/EXPERIENCE	HRS/WK	SALARY/WAGE/ HEALTH BENEFITS

To Be Completed By Employer

Office of Community Renewal (11/2009)


**Homes and
Community Renewal**

- This form can be found at the link below:
<http://www.nyshcr.org/Forms/NYS-CDBG/EconomicDevelopmentJobForms.pdf>

NOTICE TO BE PUBLISHED IN THE LOCAL NEWSPAPER

(Name of Company) is accepting employment applications for the following position:

These positions have been made available by the provisions of a grant to _____ from the New York State Office of Community Renewal CDBG. Low-to-moderate income persons as defined by HUD will be given first consideration in hiring. Information can be obtained at _____ (company address) or by calling _____ (company phone #).

Office of Community Renewal (11/2009)



**Homes and
Community Renewal**

- This form can be found at the link below:
<http://www.nyshcr.org/Forms/NYS-CDBG/EconomicDevelopmentJobForms.pdf>

Economic Development

Monitoring the Business(es) Receiving Assistance

- Recipients must establish procedures for monitoring the business, which should include:
 - Site visits
 - Desk monitoring



Monitoring of the business:

- Monitoring of the business must occur regularly throughout the project. Monitoring should include site visits where the Recipient actually visits the company's project location and observes the progress of the project. Monitoring should also include what we call "desk monitoring" where the Recipient maintains frequent contact with the business and receives regular status updates.
- Documentation includes emails, photos, meeting notes, etc. Whatever you have that can show that you have been keeping track of the project and have been ensuring that it moves forward without delay, to the greatest extent possible
- Monitoring should occur throughout the 24 month contract period and beyond if the project is not completed on schedule

Preparing For Monitoring

Preparing for Monitoring

Recipient Responsibilities

- Prior to the monitoring visit, complete and return the pre-monitoring checklist provided by OCR.
 - Maintain complete and detailed records for every aspect of administration and program implementation.
 - Organize the files according to the File Maintenance section of the Grant Administration Manual.
 - Prior to the monitoring visit, review the appropriate sections of the Grant Administration Manual, including project specific sections.
 - Provide access to all applicable program files and financial records.
 - Ensure that all pertinent staff are available to address any questions.
 - Contact property owners in advance to schedule site visits on the day of the monitoring. Community/Economic Developers will provide a list of the properties they wish to visit.
- ✓ Recipients are responsible for subrecipient files



- The OCR will contact the Recipient when the project appears to be ready for monitoring. For most projects, this will be after approximately 65% of the CDBG funds have been expended, and for all housing activities, around 80% of the CDBG funds expended.
- Once the monitoring date is established, OCR will confirm the monitoring in writing and will provide a monitoring checklist that should be completed and returned to the OCR.
- This list is a very preliminary schedule of items that may be reviewed at monitoring.

Preparing for Monitoring

Recipient Responsibilities, Cont.

- Monitoring of Subrecipients/Consultants
 - Recipients are required to monitor any third party that assists in project administration.
 - Maintain documentation of monitoring of the business and third parties, if applicable, in the project file.

✓ Recipients are responsible for subrecipient files



Monitoring of Subrecipients/Consultants:

- Recipients are required to monitor any third party that assists in project administration
- Meet regularly
- Document the monitoring process

Additional Program Requirements

Additional Program Requirements-Certification

- Identify and remediate environmental hazards
- Minority and Women-Owned Businesses (MWBE)
<http://www.esd.ny.gov/mwbe.html>
- Title VI of the Civil Rights Act of 1964. As amended (42 U.S.C. 2000d et seq.)
- The Fair Housing Act (42 U.S.C. 3601-3620)
- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259)
- Age Discrimination Act of 1975, As Amended (42 U.S.C. 6101)
- Affirmative Marketing
- Americans With Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, 225)
- Section 3 of the Housing and Urban Development Act of 1968
- Davis Bacon Related Acts



Here are some additional program requirements you should read about and become familiarized with. They are very important when implementing a project.

Recipients are strongly encouraged to contact the assigned Community/Economic Developer at any time with program questions.

- ✓ Reminder: CDBG funds are Federal funds, as such, federal rules and regulations apply

Questions?

If you have any further questions following the conclusion of this webinar, submit your questions to ocrinfo@nyshcr.org or contact the Office of Community Renewal at 518-474-2057

Please visit the OCR website at:

<http://www.nyshcr.org/Programs/NYS-CDBG/>

