

2023-2024

Subrecipient Guide

Public Service



# CBDG Program Contact Information

Peggy Daniel, Grants Administrator

Peggy.Daniel@wvc-ut.gov

801-963-3280

Layne Morris, Community Preservation Director

Layne.Morris@wvc-ut.gov

801-963-3329

West Valley City

Community Preservation Department

Grants Division

4522 West 3500 South

West Valley City, UT 84120

Phone: 801-963-3369

Website: [www.wvc-ut.gov/grants](http://www.wvc-ut.gov/grants)



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# ACRONYMS

**AAP** – Annual Action Plan

**ACS** – American Community Survey

**ADA** – American with Disabilities Act

**AI** – Analysis of Impediments to Fair Housing

**CAPER** – Consolidated Annual Performance Evaluation Report

**CDBG** – Community Development Block Grant

**CFR** – Code of Federal Regulations

**Con Plan** – Consolidated Plan

**CPP** – Citizen Participation Plan

**DOL** – Department of Labor

**FEMA** – Federal Emergency Management Agency

**FFATA** – Federal Funding Accountability and Transparency Act

**FHEO** – Fair Housing and Equal Opportunity

**FONSI** – Finding of No Significant Impact

**FSRS** – Federal Funding Accountability and Transparency Act Subaward Reporting System

**HCDA** – Housing and Community Development Act of 1974

**HUD** – U.S. Department of Housing and Urban Development

**IDIS** – Integrated Disbursement & Information System

**LMA** – Low to moderate income area

**LMC** – Low to moderate income clientele

**LMH** – Low to moderate income households

**MBE** – Minority-Owned Business Enterprise

**NOFA** – Notice of Funding Availability

**OMB** – Office of Management and Budget

**RFP** – Request for Proposals

**RROF** – Request for Release of Funds

**UFAS** – Uniform Federal Accessibility Standards

**WBE** – Woman-Owned Business Enterprise

# A MESSAGE TO CDBG SUBRECIPIENTS

As Community Development Block Grant (CDBG) subrecipients, you are a fundamental part of the CDBG Entitlement program. You provide grantees and the U.S. Department of Housing and Urban Development (HUD) with assurance that the diverse communities, groups, and individuals whom the CDBG program is intended to serve are in fact reached by the program. Your participation provides:

* Access to, and knowledge of, the specific neighborhoods and beneficiaries served by the program.
* Technical and managerial capabilities that might not otherwise be available to grantees.
* A mechanism for assuring citizen participation by involving the intended beneficiaries in the design and delivery of those services.

Without your continued involvement and support, the CDBG program could not address the broad range of needs in our communities. Whether you are a governmental agency, or a non-profit organization, HUD and West Valley City count on you to make sure that needed services are delivered in a cost-effective way. This is not an easy task. This guide is designed to help subrecipients in achieving their mission.

# SUBRECIPIENT RESPONSIBILITIES

Grantees and subrecipients share joint responsibility for carrying out permitted activities in conformance with applicable federal requirements. A central principle is that most of the federal requirements imposed on West Valley City, as a grantee, are passed along to you, the subrecipient. The more you, as a subrecipient, know about the rules, the more efficient you can be in designing and conducting your programs.

Regulatory compliance and performance go together. Performance measurement is an effective management technique that enables grantees to analyze the benefits of their investments. It is a mechanism that tracks the progression of projects and evaluates their overall program effectiveness. The CDBG program requires that each grantee submit a performance and evaluation report concerning the use of CDBG funds, together with an assessment of the relationship of the use of funds to the objectives identified in West Valley City’s Consolidated Plan. Subrecipients should also establish goals and measure their performance in a manner consistent with the grantee’s performance measurement system.

In using federal funds, the cardinal rule is ***documentation***. The achievement of program goals and the completion of activities must be supported by adequate documentation of the facts. If your activities, personnel, procedures, expenditures, and results are not documented properly, from the federal government’s perspective, you have not done your job, *regardless of your accomplishments*. Appropriate records are the lifeblood of all successful CDBG subrecipients.

Prior to contract execution, all subrecipients must have the needed support, confirmed matching resources, sufficiently developed plans, a program site, and budget to start the proposed program after the funding approval and complete the program within one year after starting. Programs should be able to begin on July 1st the beginning of the City’s Fiscal Year. Funds must be spent in a timely manner.

If the Subrecipient experiences key staff changes, such as, new an Executive Director, other key staff, program, or financial staff, you must contact the Grants Division office in writing informing the City of the change within 30 days.

# CDBG PROGRAM MANAGEMENT

The Community Development Block Grant Program (CDBG) is administered by the U.S. Department of Housing and Urban Development (HUD) and is authorized under Title 1 of the Housing and Community Development Act of 1974 (HCDA), as amended. The purpose of the CDBG program is to develop and support healthy communities by providing housing and economic development opportunities that support and serve West Valley City residents earning very low to moderate incomes throughout the City.

The CDBG program provides uniquely flexible resources for community development. West Valley City is an entitlement city, which means it receives an annual allocation of CDBG funds directly from HUD. The City is utilizing these funds to help build and strengthen our community, particularly those neighborhoods with a high number of residents living in poverty. The intent of the CDBG program is to support efforts that improve the quality of life for low and moderate-income persons.

The West Valley City Community Preservation Department, Grants Division has been designated to administer the CDBG programs approved under the City’s 2020-2024 Consolidated Plan and its on-going Annual Action Plans. The Grants Division works with other departments to ensure that all City-related policies and procedures are also followed. One of the goals of the Grants Division is to use the CDBG funding while meeting the national objectives to develop viable urban communities through the provision of decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. The Grants Division ensures that the CDBG funds are utilized to develop and preserve affordable housing, improves the local environment, rehabilitates community facilities, and offers programs and services to improve the life of low- and moderate-income residents in West Valley City.

The Grants Division guides and coordinates the City’s CDBG program and administers a variety of projects/programs with non-profit organizations and city departments to meet the City’s goal to strengthen the social, physical, and economic infrastructure of West Valley City’s low and moderate-income neighborhood and community needs.

This guide is intended to provide information for use by subrecipients in the management of their CDBG projects/programs. Information in this guide has been simplified and updated to reflect the latest changes in federal regulations and the West Valley City policies. If a subrecipient is unsure how to proceed after reading this guide, they are encouraged to call the ***Grants Division at 801-963-3280.***

Program management includes development of the Consolidated Plan, preparation of the Action Plan, CAPER, and other required reporting as summarized below. West Valley City will at times utilize the services of a specialized consultant to assist in carrying out the activities during each program year.

The City is required to complete an array of plans and reports for the use of CDBG funds. The following summarizes the mandatory plans.

## CONSOLIDATED PLAN

A Consolidated Plan is a five-year plan required to receive federal CDBG funding and serves as an agency’s application for funds. CDBG Program funding is provided to local jurisdictions for various affordable housing and community development needs. These needs are identified during the Consolidated Plan process. The Consolidated Plan identifies the community development and housing needs of the West Valley City, especially for its low-moderate income residents, and the strategies and resources to meet the identified needs. Several stakeholder and public meetings are held during the Consolidated Planning process to garner public participation regarding the needs of the community and prioritization of funds. The Consolidated Plan is published for a 30-day public review and comment period. Following the public review period, the Consolidated is presented to the City Council for consideration and approval. The approved Consolidated Plan must be submitted to HUD at least 45 days before the start of the fiscal year.

## ANNUAL ACTION PLAN

Following approval of the annual recommended CDBG budget and funding allocations by the City Council, the Grant Division staff prepares the Annual Action Plan. The Action Plan includes goals, objectives and performance measures for all CDBG-funded projects and activities. The Action Plan is published for a 30-day public review and comment period. Following the public review period, the Action Plan is presented to the City Council for consideration and approval. Following City Council approval, the Action Plan is submitted to HUD at least 45 days prior to the beginning of the program year.

## CONSOLIDATED ANNUAL PERFORMANCE REPORT (CAPER)

The Grants Division staff prepare a CAPER using the provided HUD template annually. The CAPER provides clear and correct financial and beneficiary information showing how the City is carrying out its housing and community development strategies, activities, and projects. The draft CAPER is made available for a 30-day public review and comment period at the end of each program year, followed by a City Council Public Meeting. West Valley City submits the final CAPER to HUD, no later than ninety days following the close of the program year.

## CITIZEN PARTICIPATION PLAN

As an entitlement community, West Valley City must comply with 24 CFR Part 91.105 regarding public participation. The purpose of the Citizen Participation Plan is to describe how the City engages the public to become involved in the Consolidated Planning process and use of federal funds. The Citizen Participation Plan for the CDBG program is available for review at the City’s Community Preservation Department located at 4522 West 3500 South, West Valley City, UT 84120 during normal business hours, Monday – Thursday 7:00am – 6:00pm.

## ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

HUD requires that cities and states receiving CDBG funding take actions to affirmatively further fair housing choice. Cities report on such activities by completing an Analysis of Impediments to Fair Housing Choice (AI) every three to five years. In general, the AI is a review of impediments to fair housing choice in the public and private sector. West Valley City updated its AI with the 2020-2025 Consolidated Plan process.

# CDBG FUNDING LIMITATIONS

HUD allows a maximum of 20% of the CDBG award to be used towards general program administration and planning. A maximum of 15% of West Valley City’s total allocation may be used for Public Services activities. The remaining 65% is used for other improvements vital to a community development such as economic development and public facilities and improvements which include, housing, code enforcement, ADA concrete improvements, recreational facilities, street improvements, water main improvements, sewer line improvements, parks, and playgrounds.

|  |
| --- |
| **Average CDBG Allocation** |
| **Activities** | **Percentage** | **Amount** |
| Administration and Planning Cap | 20% | $220,000 |
| Public Services Cap | 15% | $165,000 |
| Available for Other Activities | 65% | $715,000 |
| **Total Allocation** | **$1,100,000** |

#

# PUBLIC SERVICES

The maximum amount of amount of funds obligated for public services must not exceed 15% of

the annual grant allocation plus 15% of program income received during the prior year.

At least 51% of a public service activity clientele must be documented as low- and moderate- income persons either through Low-Mod Area (LMA) or Low-Mod Limited Clientele (LMC).

Public services must be a new service or an increase in the level of an existing level of services. CDBG funds may be used to pay for labor, supplies, and material as well as to operate and/or maintain the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for public service.

# PRIMARY OBJECTIVE

The primary objective of the CDBG program is the development of viable urban communities

for persons of low-moderate income, defined as a person residing in a household with income at or below 80% of area median income. This is achieved by providing the following, principally for persons of low and moderate income:

* Decent housing
* A suitable living environment
* Expanded economic opportunities.

# NATIONAL OBJECTIVES

To be eligible for CDBG funding, each activity must meet one of HUD’s three National Objectives. A national objective is met ONLY if it can be determined and documented that the program:

* National Objective #1 - Benefit low- and moderate-income individuals.
* National Objective #2 - Aid in the prevention or elimination of slum and blight.
* National Objective #3 – Urgent Need



## NATIONAL OBJECTIVE #1 – LOW/MOD INCOME INDIVDUALS

The Benefit to Low- and Moderate-Income Individual (also known as Low/Mod or LMI) is referred to as the “primary” National Objective because federal regulations require that 70% of CDBG funds meet this National Objective. The definition of a low- or moderate-income person or household is having an income equal to or less than the Section 8 lower income limits established by HUD. The current HUD income limits for West Valley City are listed below:

|  |
| --- |
| 2023-2024 CDBG Income Limits |
| Household Number | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Extremely Low-Income 30% | $22,300 | $25,450 | $28,650 | $31,800 | $34,350 | $36,900 | $39,450 | $42,000 |
| Low Income 50% | $37,100 | $42,400 | $47,700 | $53,000 | $57,250 | $61,500 | $65,750 | $70,000 |
| Moderate Income 80% | $59,400 | $67,850 | $76,350 | $84,800 | $91,600 | $98,400 | $105,200 | $111,950 |

The Low-Moderate National Objective contains four subcategories:

1. Low-Mod Area (LMA)
2. Limited Clientele (LMC)
3. Low-Mod Housing
4. Low-Mod Job Creation and Retention (LMJ)

### Low-Mod Area (LMA)

An area benefit activity serves geographic areas where at least 51% of the households are low- or moderate-income and primarily residential. To meet this criterion, 51% of household incomes must be equal to or less than 80% of the County median income. Typical activities of LMA are construction, graffiti abatement, community facilities, construction of a health clinic, development of a community center, and street, water, and sewer line improvements.

West Valley City’s CDBG eligible low-mod boundaries are:



### Limited Clientele (LMC)

Low-Mod Income Limited Clientele (LMC) is an activity which provides benefits to a specific group of persons. At least 51% of the beneficiaries of the activity must be Low-Mod income persons. To qualify under LMC, a client must meet one of the following tests:

* Test 1 - Limited Clientele Based on Presumed Benefit
* Test 2 - Limited Clientele Based on Family Size and Income

Additional detailed information on Limited Clientele eligibility can be found under Determining Eligibility.

### Low-Mod Housing Activities (LMH)

The housing category of LMI benefit National Objective qualifies activities that are undertaken for the purpose of providing or improving permanent residential structures which, upon completion will be occupied by LMI households. To meet the housing LMI National Objective LMH, structures with one unit must be occupied by an LMI household. If the structure has two units, half the households must be LMI. Structure with three or more units must have at least 51% occupied by LMI households and documentation must be maintained to meet the definition of LMI.

### Low-Mod Job Creation and Retention (LMJ)

Low-Moderate Job Creation and Retention activities must create or retain jobs that will principally be available to LMI persons. Documentation must be maintained that demonstrates the minimum number of jobs that were created or maintained based on the size of CDBG investment and that 51% of those jobs are available to low- and moderate-income persons. Examples include loans or grants to businesses providing job training opportunities for low- and moderate-income persons, advertising and recruiting efforts directed to areas where substantial number of low- and moderate-income persons reside.

## NATIONAL OBJECTIVE #2 – PREVENTION OR ELIMINATION OF SLUM/BLIGHT

Projects may qualify if benefiting an area defined under state or local law as a slum or blighted area, and which contains a substandard number of deteriorating or dilapidated buildings or infrastructure.

* + **Activities on an Area Basis** – Activity addresses one or more conditions that contribute to the deterioration of a specific area that meets the definition of slum and blight and has one or more buildings deteriorating.
	+ **Spot Basis Activity** – Eliminate specific conditions of blight or physical decay on a spot basis located in a slum or blighted area, which meet this objective.

## NATIONAL OBJECTIVE #3 – URGENT NEED

Activities must be designed to alleviate existing conditions that pose a serious and immediate threat to the health or welfare of the community, which became urgent within the past 18 months, grantee is unable to finance the activity on its own, and other sources of funding are not available.

# DETERMINING ELIGIBILITY

Public service activities are usually categorized under the LMI Benefit National Objective as either Low-Mod Area Benefit (LMA) or Limited Clientele (LMC). The distinguishing factor is, will services be offered to ***all*** residents of a particular area or to a particular group of residents.

## Low-Mod Area Benefit

Low-Mod Area Benefit activities must be available to ***all*** residents of an area where at least 51% of residents are LMI. The area must be clearly defined and primarily residential. Required documentation of this objective consist of:

* Maintain records of the boundaries of the service area.
* Document that the area is primarily residential (e.g., zoning map); and
* Document the income characteristics of households in the service area (e.g., Census Data)

## Limited Clientele

Under Limited Clientele, activities benefit a specific target group of people of which at least 51% must be LMI. To meet the LMC criteria, the activity must pass 1 of the following tests:

###

### Test 1 – Limited Clientele Based on Presumed Benefit

It must benefit a clientele who are presumedto be principally low and moderate-income persons such as:

* Abused children
* Elderly persons
* Domestic violence survivors
* Homeless persons
* Illiterate adults
* Persons living with AIDS
* Migrant farm workers
* Severely disabled persons *defined below*:
	+ Use of a wheelchair or another special aid for 6 months or longer
	+ Unable to perform one or more functional activities:
		- Seeing, hearing, having one’s speech understood, lifting, and carrying, walking up a flight of stairs and walking.
	+ Prevented from working at a job or doing housework.
	+ Autism, cerebral palsy, Alzheimer’s disease, senility, dementia, or mental retardation
	+ 65 years or older and covered by Medicare or receive SSI.

#### Presumed Benefit Source Documentation:

Presumed benefit clients require documentation verifying their eligibility. Examples of source documentation include but not limited to:

* Abused children – Referral documenting “abused child status”.
* Seniors – Copy of ID, Driver’s License, or Social Security Award Letter.
* Disabled – Receipt of disability check or SSDI award letter, or a doctor’s note verifying disability.

### Test 2 – Limited Clientele Based on Family Size and Income

Requires family size and income from every person 18 and over living in the household. Eligible clientele are persons whose family income does not exceed the LMI limit.

* Requires gross amount, before any payroll deductions when calculating income.
* Income source must be current (***within 90 days***).

#### Annual Income Includes:

* Wages, salaries, overtime pay, commissions, fees, tips, and bonuses.
* Unemployment payments
* Disability compensation
* Worker’s compensation
* Severance pay.
* Alimony and child support payments
* Net income from the operation of a business or profession
* Temporary Assistance for Needy Families (TANF)
* Social Security and Social Security Income

#### Annual Income Does Not Include:

* Income from employment of children, including foster children, under 18.
* Payment received for care of foster children or foster adults.
* Lump-sum additions to family assets
* Income of a live-in aide
* Food stamps or Women, Infants, and Children (WIC)
* Student Financial Aid
* Sporadic Income/Gifts

#### Income Documentation for Limited Clientele (LMC):

* Employment check stubs
* Social Security Income/Social Security Disability Income award letter
* Child support documentation
* TANF benefits letter
* Unemployment benefits letter
* Veterans Administration award letter

Unless *presumed* by HUD to be low-moderate income, actual verification of the household income must be provided. If a client has no proof of income a penalty of perjury statement can be completed. The client should be made to understand that they are signing a legal document, and that they are certifying the truth of the information provided.

CDBG regulations permit self-certification of income for public service activities as referenced in 24 CFR 570.506(b) It is important to note that grantees should develop their own policies and procedures relating to a self-certification program. These policies and procedures would include such items as the definition of income, income verification (third party verification or review of documents provided by the applicant) what activities will be allowed to use self-certification, monitoring requirements and training of grantee and subrecipient staff. HUD recommends that you request source documentation for 20% of the certifications and inform the beneficiary that all sources of income and assets must be included when calculating annual income. Depending on your policies and procedures, you would verify income through third party verification or review of documents. In the CDBG program a grantee or subrecipient need only document that the beneficiary is low-and moderate-income at the time CDBG assistance is provided. There is no re-qualification of income once assistance has been provided. There is no need to collect annual income information on existing clients that have been previously qualified and continue to be assisted.

HUD recommends using the Self Certification of Annual Income by Beneficiary Form contained in the [***CPD Income Eligibility Calculator***](https://www.hudexchange.info/resource/2079/cpd-income-eligibility-calculator/). This form contains all the required certifications and warnings. It should be noted that using a self-certification approach to income documentation can put an activity at risk if the beneficiary is later audited and determined to be over the applicable income limit.

## RESTRICTIONS FOR CERTAIN RESIDENT ALIENS

As stated in 24 CFR 570.613, certain newly legalized aliens, as described in 24 CFR Part 49, are not eligible to apply for benefits under covered activities funded by the programs listed. Benefits include financial assistance, public services, job, and access to new or rehabilitated housing and other facilities funded by programs listed. The restrictions under this section apply only to new benefits not being covered resident aliens.

Public services ***eligible*** activities include the following Public Services matrix codes:

|  |
| --- |
| **CDBG MATRIX CODES: PUBLIC SERVICES** |
| **INDEX CODE** | **TITLE** |
| **05A** | **Senior Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services for the elderly. 05A may be used for an activity that serves both the elderly and persons with disabilities provided it is intended primarily to serve elderly. If the activity is intended primarily to serve persons with disabilities, use 05B instead. |
| **05B** | **Services for Persons with Disabilities** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services for the persons with disabilities, regardless of age. If the activity is intended primarily for elderly persons, use 05A instead. |
| **05C** | **Legal Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services providing legal aid to low- and moderate-income (LMI) persons. If the legal service is only provided for the settlement of tenant/landlord disputes, use 05K. |
| **05D** | **Youth Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services for young people ages 13 to 19. For example, recreational services limited to teenagers and teen counseling programs. 05D can also be used for counseling programs that target teens but include counseling for the family as well. For services for children ages 12 and under, use 05L; for services for abused and neglected children, use 05N. |
| **05E** | **Transportation Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) General transportation services. Transportation services for a specific client group should use the matrix code for that client group. For example, use 05A for transportation services for the elderly. |
| **05F** | **Substance Abuse Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Substance abuse recovery programs and substance abuse prevention/education activities. If the services are provided for a specific client group, the matrix code for that client group may be used instead. For example, substance abuse services that target teenagers may be coded either 05D or 05F. |
| **05G** | **Services for victims of domestic violence, dating violence, sexual assault or stalking** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services for victims of domestic violence, dating violence, sexual assault, or stalking. For services limited to abused and neglected children, use 05N. |
| **05H** | **Employment Training** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Assistance to increase self-sufficiency, including literacy, independent living skills, resume writing, job coaching, “how to get and keep a job” training, or training students in a particular field on skill when there is no tie to a specific position or business. For activities providing training for specific permanent jobs with specific businesses, use 18A. |
| **05I** | **Crime Awareness/Prevention** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Promotion of crime awareness and prevention, including crime prevention education programs, community-oriented policing programs above and beyond normal staffing levels, installation of security cameras, and paying for security guards. |
| **05J** | **Fair Housing Activities** (subject to Public Services cap) 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Fair housing services (e.g., counseling on housing discrimination) as public services. The activity needs to meet a national objective. For fair housing services activities carried out as part of general program administration (and thus not required to meet a national objective), use 21D. |
| **05K** | **Tenant/Landlord Counseling** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Counseling to help prevent or settle disputes between tenants and landlords. |
| **05L** | **Child Care Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services that will benefit children (generally under age 13), including parenting skills classes. For services exclusively for abused and neglected children, use 05N. |
| **05M** | **Health Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services addressing the physical health needs of residents of the community. For mental health services, use 05O. |
| **05N** | **Services for Abused and Neglected Children** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Daycare and other services exclusively for abused and neglected children. |
| **05O** | **Mental Health Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Services addressing the mental health needs of residents of the community. |
| **05P** | **Screening for Lead Poisoning** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Activities undertaken primarily to provide screening for lead poisoning. ***Note***: * Use 05P to test people for possible lead poising.
* Use 14I to test buildings/properties for presence of lead contamination.
 |
| **05Q** | **Subsistence Payments** 24 CFR 570.207(b)(4) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) One-time or short-term (no more than three months) emergency payments on behalf of individuals or families, generally for the purpose of preventing homelessness. Examples include utility payments to prevent cutoff of service, and rent/mortgage payments to prevent eviction. |
| **05R** | **Homebuyer Down Payment Assistance** - Excluding Housing Counseling under 24 CFR 5.100 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Homebuyer down payment assistance provided as a PUBLIC SERVICE. If housing counseling (under 24 CFR 5.100) is provided in conjunction with down payment assistance, report housing counseling separately under matrix code 05Y. If referral services, homeownership education programs, or general budget/financial counseling are provided to homebuyers in conjunction with down payment assistance as part of a package, then the services are considered activity delivery costs as a part of an 05R activity.* It is subject to the public service cap unless the assistance is provided by a CBDO in an NRSA or by a 105(a)(15) entity.
* Only report the number of households that received down payment assistance as accomplishments for 05R.
* For more extensive types of homeownership assistance provided under authority of the National Affordable Housing Act, use code 13B
 |
| **05S** | **Rental Housing Subsidies** 24 CFR 570.204 or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Tenant subsidies exclusively for rental payments for more than three months. Activities providing this form of assistance must be carried out by CBDOs or 105(a)(15) entities. |
| **05T** | **Security Deposits** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Tenant subsidies exclusively for payment of security deposits. |
| **05U** | **Housing Counseling only**, under 24 CFR 5.100 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Housing counseling, under 24 CFR 5.100, for renters, homeowners, and/or potential new homebuyers that is provided as an independent public service (i.e., not as part of another eligible housing activity). |
| **05V** | **Neighborhood Cleanups** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) One-time or short-term efforts to remove trash and debris from neighborhoods. Examples of legitimate uses of this code include neighborhood cleanup campaigns and graffiti removal. |
| **05W** | **Food Banks** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Costs associated with the operation of food banks, community kitchens, and food pantries, such as staff costs, supplies, utilities, maintenance, and insurance. |
| **05X** | **Housing Information and Referral Services** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) An activity that provides housing information, education, and referral services, or general budget/financial counseling that does not meet the 24 CFR 5.100 definition of Housing Counseling. |
| **05Y** | **Housing Counseling under 24 CFR 5.100** Supporting Homebuyer Down Payment Assistance (05R) 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Housing Counseling, under 24 CFR 5.100, that is provided to in conjunction with homebuyer down payment assistance (05R) as a public service. |
| **05Z** | **Other Public Services** **Not Listed in 03T and 05A-05Y** 24 CFR 570.201(e) or 42 USC 5305(a)(8) + 24 CFR 570.482(c)(2) Only use this matrix code when an activity does not fall under a more specific 05A-05Y code. An example of a legitimate use of this code is when the CDBG funds are provided to a non-profit organization that provides multiple types of social services for operating costs. In another example, when a public service activity that does not have a more specific matrix code, provides services to multiple groups of clients such as seniors, persons with disabilities, and homeless persons. For instance, for a “meals on wheels” program for seniors and persons with disabilities, use 05Z. If this program had only been available to seniors, the correct matrix code would have been 05A. |

# GOALS AND PERFORMANCE MEASURES

The subrecipient agrees to provide the level of program services provided in the Scope of Services Worksheet. See Appendix A

## PERFORMANCE MEASURES: GOALS AND OUTCOMES

HUD requires recipients of federal funds to assess the productivity and impact of their activities. Projects must meet one HUD goal and outcome that relates to the impact that activity is expected to have on the community or person(s) benefiting from the activity.

## HUD DEFINITIONS

GOALS

Goals closely mirror the statutory objectives of the program. The goals are framed broadly to capture the range of community impacts that occur because of program activities.

Creating a Suitable Living Environment - Activities that are designed to benefit communities, families, or individuals by addressing issues in their living environment. This objective relates to activities that are intended to address a wide range of issues faced by LMI persons, from physical problems with their environment, such as poor-quality infrastructure, to social issues such as crime prevention, literacy, or elderly health services.

Providing Decent Housing - Covers the wide range of housing activities that could be undertaken with CDBG funds. This objective focuses on housing activities where the purpose is to meet individual family or community housing needs. It does not include programs where housing is an element of a larger effort to make community-wide improvements, since such programs would be more appropriately reported under Suitable Living Environments.

Creating Economic Opportunities - Applies to activities related to economic development, commercial revitalization, or job creation.

OUTCOMES

Outcomes help further refine the activity goal and is designed to capture the nature of the change or the expected result of the goal that an activity seeks to achieve. Outcomes correspond to the question "What is the type of change the activity is seeking? Or what is the expected result of the activity?"

Availability/Accessibility - Applies to activities that make services, infrastructure, public services, public facilities, housing, or shelter available or accessible to LMI people, including persons with disabilities. In this category, accessibility does not refer only to physical barriers, but also to making the basics of daily living available and accessible to LMI people where they live.

Affordability - Applies to activities that provide affordability in a variety of ways to LMI people. It can include the creation or maintenance of affordable housing, basic infrastructure hookups, or services such as transportation or day care. Affordability is an appropriate objective whenever an activity is lowering the cost, improving the quality, or increasing the affordability of a product or service to benefit a low-income household.

Sustainability - Applies to activities that are aimed at improving communities or neighborhoods, helping to make them livable or viable by providing benefit to persons of LMI or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain communities or neighborhoods.

## PROGRAM MONTHLY REPORTS

Monthly progress reports will be required to report on the implementation of the CDBG funded

activities. **Monthly Progress reports are due by the 15th of each month.**

The monthly programmatic report shall be completed in Neighborly and include the following:

* Client demographic
	+ Race
	+ Ethnicity
	+ Income Category
	+ Disabilities
	+ Non-English speaking
	+ Female Head of Household
	+ Elderly
	+ Homeless
* Number clients served (must attach documentation)
	+ New access to services/benefit
	+ Improved access to services/benefit
	+ Improved quality standard
* Narrative highlighting progress in meeting objectives
* Major benchmarks, outcomes, and changes in the program
* Program Eligibility Verification—A written statement/policy that shows how you determine that clients meet the National Objective.

# FINANCIAL MANAGEMENT

Subrecipients and subcontractors are required to comply with all applicable federal rules and

regulations governing the use of CDBG funds 24 CFR Part 570 – CDBG Code of Federal Regulations as well as Office of Management and Budget (OMB) Circular 2 CFR Part 200.

To ensure proper financial record keeping and reporting, agencies should help their financial staff understand:

* What information needs to be kept and why.
* When information should be collected and how often should be reported.
* How the information should be acquired, organized, and stored.
* How the information should be reported (format) and how long the records must be kept.

Financial recordkeeping is one of the primary areas subject to HUD reviews and one which, if inadequate, can lead to serious problems. These are the financial information and records that must be maintained by the agency:

* Chart of accounts, written accounting procedures, internal controls, administrative controls, accounting journals, and ledgers.
* Payment requests and source documentation (bills, receipts, copies/cancelled checks, etc.).
* Procurement files (bids, contracts, etc.) and real property inventory, if applicable.
* Bank account and payroll records.
* Financial statements, correspondence, and audit files.

Subrecipients are required to have accounting records that adequately identify the source and application of CDBG funds provided to them. To meet this requirement, a subrecipient’s accounting system should include the following elements:

* **Chart of Accounts**
* **Cash Receipts Journal**
* **Cash Disbursements Journal**
* **Payroll Journal**
* **General Ledger**

## PAYMENT REIMBURSEMENT

The City shall reimburse the Subrecipient for eligible and allowable costs and expenses under the CDBG program regulations, (also referred to as the “Budget”) incurred in providing the program (also referred to as the “Scope of Services”), as specified in subrecipient agreement. The program, and allowable costs and expenses, shall be agreed to by both parties. The program, allowable costs, and expenses may be amended upon the agreement of both parties. The City shall reimburse the Subrecipient based on actual direct costs incurred in connection with delivery of the CDBG-funded activity to primarily benefit very low- and low-income persons, or persons presumed by HUD to be very low- and low-income and as described in the subrecipient agreement, as applicable. Payment will only be authorized for services delivered to residents of the City.

Payments may be contingent upon certification of the Subrecipient’s financial management system in accordance with the standards specified in 2 CFR 200. Accounting records must be supported by such source documentation such as cancelled checks, paid bills, payrolls, receipts, invoices, payrolls, time and attendance records, contract and subgrant award documents, etc.

##

## Program Income

The subrecipient shall report monthly all program income (as defined at 24 CFR570.500(a)) generated by activities carried out with CDBG funds made available under this contract. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unexpended program income shall be returned to the City at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the City.

## Cash Management

* Maintain current budget for funded activities and perform a comparison of that budget with actual expenditures for each budget category.
* Regularly compare progress towards the achievement of goals with the rate of expenditure of program funds.
* Ensure program income is used for permitted activities and used before further drawdowns are made from the grantee for the same activity.

## Personnel Costs

* Personnel Wages – Costs associated with the positions identified in the budget. Costs should reflect the actual amount of time each position spends on the CDBG program.
* Fringe Benefits – Payroll related costs of FICA, Worker’s Compensation, health insurance, sick time, vacation, retirement etc. Costs should correspond to the actual benefit cost of the actual time each position spends on the CDBG program.

## TIME RECORDS

* Time records should be kept indicating hours worked, sick leave, vacation days, holidays etc. Timesheets should be recorded each day and signed by both employee and supervisor.
* Timesheets showing labor distribution and time project log that documents time spent on the program must be kept for all grant funded employees. Copies of timesheets must be submitted with reimbursement request if claiming personnel costs.

## Operating Costs/Program Delivery

* Supplies – Consumable commodities that have a useful life of one year or less and which are valued under $5,000.
* Direct Client Supportive Services – Rent, bus passes, food utilities, childcare, clothing, hygiene kits and other program costs paid on behalf of clients.
* Communication – Telephone, telephone installation, and postage.
* Printing- Copying, printing, paper, ink, and copy machine.
* Utilities- Electricity, gas, water, and trash removal.
* Rent – Rental costs for real property or office space for program.
* Travel- Mileage reimbursement for conducting program objectives.
* Insurance- Insurance related costs required for the operation of the program.
* **Entertainment costs is not an allowable expense and will not be reimbursed.**

## Contract Services

* Equipment Rental – Costs for the rental of equipment to operate program.
* Equipment Purchase – Purchase of equipment is essential to operate a program and is more cost effective to purchase equipment rather than rent it. Includes any item with a useful life of more than one year and costs over $5,000. Purchase of equipment requires prior City approval.
* Contracted Services – Professional and technical services not performed by staff.
* Audit Fees – City CDBG funds may pay for audit; however, only the percentage of the City CDBG federal funds in the total agency budget. For example, if the audit costs are $1,000, and only 10% of the program’s overall budget is from West Valley City CDBG, only 10% of the bill is allowed. Bookkeeping and payroll fees are eligible expenses.

## INVOICES

Invoices for CDBG expenses can be remitted monthly for reimbursement and **are due by the 15th of each month.** To request a reimbursement, subrecipients must submit the following in Neighborly:

* CDBG Disbursement Cover letter
	+ Agency name
	+ Summary of expenses itemized by budget categories.
	+ Brief budget narrative
	+ Time period covered for related expenses.
	+ Contact person’s phone and email.
* Transaction Detail Report
* Profit & Loss or Statement of Expenses
* Invoice/receipts
* Timesheets/check stubs
	+ If salaries are charged, then timesheets must be submitted. Timesheets must differentiate between hours charged and not charged to CDBG. It should be signed by the employee and their supervisor. Time charged should only include time spent with eligible West Valley City residents or administering the CDBG program.
	+ Proof of employee payment must be submitted.

## BUDGET MODIFICATIONS

Budget modifications to approved budget line items are allowable; however, they must be directly related to changes in program services and activities and may not increase the total budget. Budget modifications of up to 10% are allowable without a formal request if no change has been made to the scope of work. Budget modifications above 10% require a written request which identifies the reason for the request. The request must include which line items are to be increased and decreased. Budget modifications above 10% require written City approval as a notable change is being made to the written agreement between City and Subrecipient.

# PROCUREMENT

* 1. Compliance

The Subrecipient shall comply with current City policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the City upon termination of this Agreement.

* 1. OMB Standards

Unless specified otherwise within this agreement, the Subrecipient shall procure all materials, property, or services in accordance with the requirements of 2 CFR 200.

1. Travel

The Subrecipient shall obtain written approval from the City for any travel outside the metropolitan area with funds provided under the Agreement.

## EQUIPMENT VS SUPPLIES

According to 2 CFR 200.33, *Equipment* means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or $5,000. See also 2 CFR 200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89.

According to 2 CFR 200.94, *Supplies* means all tangible personal property other than those described in [§ 200.33](https://www.ecfr.gov/on/2017-01-03/title-2/section-200.33) Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-federal entity for financial statement purposes or $5,000, regardless of the length of its useful life.

## EQUIPMENT PROCUREMENT

In the procurement of supplies, equipment, construction, and services by recipients and by Subrecipients, the conflict-of-interest provisions in 2 CFR 200.318, shall also apply.

In all cases not governed by 2 CFR 200, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by West Valley City or by its Subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).

Under HUD regulations, the purchase of equipment, fixtures, or furnishings that are not an integral structural fixture is ineligible except when necessary for use by the Subrecipient in the administration of the overall City CDBG grant, or as part of the administration of a public service program. West Valley City does not allow for purchase of vehicles with CDBG funds unless explicitly approved in writing beforehand.

## Notification Requirements

All purchases of equipment require prior West Valley City approval. Requests to purchase equipment are to be sent to the West Valley City Grants Division 45 days prior to the purchase order date. Exceptions may be granted on a case-by-case basis. The request is to include the cost of the item, where it will be purchased, a detailed explanation of why it should be bought rather than leased or rented, and where the funds for the purchase will come from. If West Valley City CDBG funds will only be paying a portion of the purchase, list other funding sources and the respective amounts. The Grants Division will typically review the request and issue a decision within 10 working days. A rationale for a negative decision will be included in the response.

## USE AND REVERSION OF ASSETS

The use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 2 CFR 200 and 24 CFR 570.502, 570.503, and 570.504, as applicable, which include but are not limited to the following:

1. The Subrecipient shall transfer to the City any CDBG funds on hand and any accounts receivable, attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.
2. Real property under the Subrecipient’s control that was acquired or improved, in whole or in part, with funds under this Agreement more than $25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement [or such longer period of time as the City deems appropriate]. If the Subrecipient fails to use CDBG-assisted real property in the manner that meets a CDBG National Adjective for the prescribed period of time, the Subrecipient shall pay the City an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payment shall constitute program income to the City. The Subrecipient may retain real property acquired or improved under this Agreement after the expiration of the five-year period [or such longer period of time as the City deems appropriate].
3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be program income (prorated to reflect the extent to that fund received under this Agreement were used to acquire the equipment). Equipment not needed by the Subrecipient for activities under this Agreement shall be (a) transferred to the City for the CDBG program or (b) retained after compensating the City [an amount equal to the current fair market value of the equipment less the percentage of non-CDBG funds used to acquire the equipment].

# RECORDS TO BE MAINTAINED

The Subrecipient shall maintain all records including but not limited to books, financial records, supporting documents, statistical records, personnel, property, and all other pertinent records sufficient to reflect properly all matters covered by the Agreement and required by the federal regulations specified in 24 CFR 570.506, that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

Record-keeping is very important for all federal grant recipients. If expenditures are not adequately documented funds may be required to be returned. Subrecipients are required to maintain documentation on clients benefiting from activities and programs receiving City CDBG funds. In addition, to certifying clients are low-moderate income person, HUD also requires the following information ethnicity, how many are female heads of households, their residency in West Valley City, and how many are very low income. Any information regarding clients funded via federal funds should be held in strict confidence.

## ACCESS TO RECORDS

HUD and authorized representatives have the right to access subrecipient agency program records. All CDBG grantees are required to provide citizens with reasonable access to records regarding the CDBG funded activities.

# DOCUMENTATION AND REPORTING REQUIREMENTS

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| **2 CFR PART 200 AND 24 CFR PART 570 OVERVIEW AND DOCUMENTATION REQUIREMENTS** |
| **ELIGIBLE ACTIVITIES** |
| ***NOTE: This is not an all-inclusive list of documentation, but rather the minimum standards for all programs. Depending on the program there may be additional required documentation*.** |
| **CFR** | **CFR Category Title** | **Minimum Documentation Standards** |
| 24 CFR 570.20024 CFR 570.208 | General PoliciesCriteria for National Objectives | Program maintains adequate documentation to demonstrate:* The area of service is in a low to moderate income area census tract. An example would be a map of the census tract being served to show that at least 51% of the area is low to moderate income.
* 51% or more participants meet low/moderate income criteria. Program can verify income eligibility through copies of participant pay stubs, tax returns and government assistance or through self-certification from each participant.
* Participants meet presumed benefit criteria. Programs that exclusively serve any of the following individuals can presume that 51% or more of their participants are low to moderate income.
	+ Abused Children;
	+ Battered spouses;
	+ Elderly persons;
	+ Adults meeting the Bureau of the Census’ Current Population Reports definition of “severely disabled”’
	+ Homeless persons;
	+ Illiterate adults;
	+ Persons living with AIDS; and/or
	+ Migrant farm workers
 |
| 24 CFR 570.20124 CFR 570.20224 CFR 570.203 | Basic Eligible ActivitiesEligible Rehab & Preservation ActivitiesSpecial Economic Development Activities | CDBG funds can be utilized for many different uses. Below is a list of the most common categories CDBG funds are used for:* Acquisition of Real Property
* Disposition
* Public Facilities and Improvements
* Clearance
* Public Services (Restricted to 15% of total funds dispersed to all agencies)
* Interim Assistance
* Relocation
* Privately-Owned Utilities
* Rehabilitation
* Construction of Housing
* Special Economic Development Activities
* Microenterprise Assistance
* Homeownership Assistance
 |
| **CFR** | **CFR Category Title** | **Minimum Documentation Standards** |
| 24 CFR 570.207 | Ineligible Activities | CDBG funds, however, cannot be used for the following categories:* Buildings or portions for the general conduct of government
* General government expenses
* Political activities
* Purchase of equipment
* Operating and maintenance expenses
* Income payments
 |
| ***\*NOTE: Although a project may be eligible per the code of federal regulations, it may not be a priority or need for the West Valley City. In addition to a project being eligible it must also meet the identified needs listed in the Consolidated Plan.*** |
| **ADMINISTRATION** |
| **CFR** | **CFR Category Title** | **Minimum Documentation Standards** |
| 2 CFR 20024 CFR 570.502 | Applicability of Uniform Administrative Requirements | State, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization must comply with applicable requirements and standards found in: ***2 CFR §200***, except that:(1) Section 2 CFR §200.305 “Payment” is modified for lump sum drawdown for financing of property rehabilitation activities, in accordance with 24 CFR §570.513.(2) Section 2 CFR §200.306 “Cost sharing or matching” does not apply.(3) Section 2 CFR §200.307 “Program income” does not apply. Program income is governed by 24 CFR §570.504.(4) Section 2 CFR §200.308 “Revisions of budget and program plans” does not apply.(5) Section 2 CFR §200.311 “Real property” does not apply, except as provided in 24 CFR §570.200(j). Real property is governed by 24 CFR §570.505.(6) Section 2 CFR §200.313 “Equipment” applies, except that when the equipment is sold, the proceeds shall be program income. Equipment not needed by the subrecipient for CDBG activities shall be transferred to the recipient for the CDBG program or shall be retained after compensating the recipient.Subrecipients must keep adequate records that comply with the applicable requirements. The financial records that must be maintained include, but not limited to:* A chart of accounts
* Source documentation that costs were eligible and paid (invoices, purchase orders, canceled checks, etc.)
* An inventory of real property
* Bank account records
* Records regarding revolving loan fund activities
* Drawdown Requests
* Payroll records and reports
* Documentation of other administrative costs charged
* Financial reports / Audit Files / Financial Correspondence
 |
| 2 CFR 200.34324 CFR 9124 CFR 570.507 | CloseoutConsolidated SubmissionsReports | The West Valley City is required to submit numerous reports to the federal government and may request information from programs to complete the reports. The information may include, but not limited to, MBE/WBE information, Section 3 information, Performance Measures/Outcomes achieved, financial audits and funds leveraged. The specific reports that will be required from each agency will be outlined in the Agreement between the West Valley City and the Subrecipient. |

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| **RECORD RETENTION AND GENERAL RECORDS** |
| **CFR** | **CFR Category Title** | **Minimum Documentation Standards** |
| 2 CFR 200.33424 CFR 570.50224 CFR 570.506 | Retention requirements for recordsAdministrative RequirementsRecords to be Maintained | * The retention period for individual CDBG activities shall be **the longer of** 5 years after the expiration or termination of the subrecipient agreement under 24 CFR §570.503, or 5 years after the submission of the annual performance and evaluation report, as prescribed in §91.520 of this title, in which the specific activity is reported on for the final time;
* Records for individual activities subject to the reversion of assets provisions at §570.503(b)(7) or change of use provisions at §570.505 must be maintained for as long as those provisions continue to apply to the activity; and
* Records for individual activities for which there are outstanding loan balances, other receivables, or contingent liabilities must be retained until such receivables or liabilities have been satisfied.

The Type of Records to Maintain for an activity, project, or program:* Description of each project/program, location, amount of CDBG assistance budgeted, obligated, and expended.
* Sources and uses of funds, including CDBG, and all others.
* Compliance with Eligibility and National Objectives under 570.208.

The Type of Records to Maintain for a Community Based Development Organization (CBDO)* Evidence that CBDO’s meet designation requirements during the period when they are receiving an allocation of CDBG funds to undertake special activities.
 |
| **TIMELY EXPENDITURE OF FUNDS** |
| **CFR** | **CFR Category Title** | **Minimum Documentation Standards** |
| 570.902 | Review to determine if CDBG-funded activities are being carried out in a timely manner | Prior to issuing the next year’s Entitlement grant, HUD performs an annual assessment of each grantee’s performance. One of the performance factors examined is the “timeliness” of program expenditures.When a Grantee (West Valley City) fails to show that the funds are being expended in a timely manner, HUD’s corrective action will consider the following:* The likelihood that the Subrecipient will spend enough funds during the next program year to reduce the amount to an acceptable level; and
* The extent to which funds on hand have been obligated by the grantee and its subrecipients for specific activities.
 |
| ***NOTE:*** *Subrecipients are encouraged to download the “CDBG Timeliness Bulletin” from HUD’s website for tips and recommendations to avoid or solve problems with timely use of funds****.*** [***http://archives.hud.gov/offices/cpd/library/cdbg-bull.pdf***](http://archives.hud.gov/offices/cpd/library/cdbg-bull.pdf) |

# MONITORING PROCESS

In pursuant of the regulations at 2 CFR §200.332, the West Valley City Grants Division is responsible for managing the day-to-day operations of grant and subgrant supported activities. The Grants Division must monitor grant- and subgrant—supported activities to assure compliance with applicable federal requirements and that performance goals are being achieved. The monitoring must cover each program, function, or activity.

Monitoring is used to evaluate performance and compliance of subrecipients receiving CDBG funding. The primary monitoring objective is to ensure that federal funds received are used only for approved activities and are administered according to all applicable statutory and regulatory requirements. This established monitoring approach provides an early indication of problems or potential problems in meeting applicable requirements.

All applicants who are awarded CDBG funds should understand that their organization or department is subject to the policies set forth in this document. It is not intended to provide a negative outcome on any one organization or department that is submitted, but to provide a fair assessment of its potential risks, at all levels, of any project as required in 2 CFR §200.206 and §200.332. Monitoring by West Valley City is not just a regulatory process or a fact-finding mission, but involves effective communication and cooperative, problem-solving relationships between West Valley City and its Subrecipients.

Monitoring is not an audit of the subrecipient, but rather focused on the “program” that is CDBG funded. To achieve this monitoring objective, The Grants Division will use an interactive, ongoing process. This approach includes instructional training, ongoing technical assistance, site visits, monthly/quarterly reporting, and annual monitoring. West Valley City promotes efficient and effective Subrecipient performance.

## Audit

The primary goal of the audit is to determine whether and agency has adequate systems in place to assure objects are met, resources are safe guarded, regulations are followed, and reliable data is obtained and maintained. An audit encompasses auditing of expenses as well as programmatic requirements. The financial and programmatic audits are designed to ensure Subrecipients are complying with federal regulations defined in OMB Circular A-133 – Audit of States, Local Governments, and Non-Profit Organizations. All agencies are required to have an independent audit completed annually to qualify for and receive ongoing funding. All agencies provide West Valley City with a copy of each audit as soon as it has been accepted by the board. Agencies must provide a written response to findings, if any, that includes a timeline for correction.

The auditor's report and financial statements must be prepared in accordance with applicable laws, including but not limited to the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507), 2 CFR 200 Subparts E and F, and 2 CFR 230, “Cost Principles for Non-Profit Organizations.”

* ***Financial audits*** are designed to provide an independent opinion on the agency’s financial statements, internal central structures, cash flow, and compliance with specific financial systems and procedural requirements.
* ***Programmatic audits*** provide an independent point of view on the extent to which the agency has efficiently and effectively carried out its operations and achieved the intended program results and benefits.

## TYPES OF MONITORING

To achieve the stated objective, the Grants Division conducts thorough financial and programmatic monitoring. The monitoring process is designed to incorporate a variety of monitoring techniques and tools into a coordinated effort, which ensures that all funded activities receive an appropriate level of review. The following types of monitoring techniques are incorporated into the Grants Division’s comprehensive approach.

### Individual Project Monitoring – Conducted as Needed

This is the primary technique used for monitoring and reviewing funded activities implemented by its subrecipients. Regular contacts, as often as weekly or monthly, may be required to deter potential issues and assure compliance with regulations.

### Desk Review – Conducted Monthly

This monitoring technique is used monthly and provides staff with an effective tool for examining ongoing project activities. Through this process, agencies are required to submit monthly reports to identify ongoing activities. The Grants Division will analyze this information and make decisions regarding the need for additional technical assistance or future on-site visits. Desk reviews can also include an analysis of an agency’s accomplishments-to-date and rate of expenditure.

### On-Site Visits – Conducted Annually

At a minimum, at least one on-site visit will occur with each subrecipient. In certain situations, additional visits will be conducted to discuss issues. When possible, a minimum of two weeks’ written notice will be given to a subrecipient prior to an on-site monitoring visit. The on-site visit will consist of interviews with key personnel as well as a review of pertinent records. The results of the monitoring visit will be placed in each file. A letter regarding the results of the monitoring will be sent to the Subrecipient’s Chief Official within 45 days. The letter will outline any concerns or findings and the necessary steps to take to remedy such matters. Any findings or concerns that are identified will require subsequent follow-up, either on-site or via correspondence and will be specifically addressed in the letter. If the subrecipient disagrees with the results of the monitoring, they will have 30 days to respond in writing.

### Drawdown Requests – Conducted as Requests are Submitted

To assure the validity of requests to draw down funds, back up documentation is required with each request. The request must clearly describe the expenditures and should be reviewed for eligibility, consistency with approved project/program expenses, verification of remaining balance, proof of expense (i.e., invoice, timesheet, etc.), as well as compliance with the scope of work.

## GENERAL COMPLIANCE

The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart K of these regulations, except that (1) the Subrecipient does not assume the recipient’s environmental responsibilities described in 24 CFR 570.604 and (2) the Subrecipient does not assume the recipient’s responsibility for initiating the review process under the provisions of 24 CFR Part 52. The Subrecipient also agrees to comply with all other applicable federal, state, and local laws, regulations, and policies governing the funds provided under this contract. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

Subrecipients receiving CDBG program funds from the City for public service activities (known locally as “social service” activities) are required to comply with the requirements of the written agreement entered into between the City and the Subrecipient covering the fiscal year for which funding is awarded, as well regulations implementing the CDBG program found at 24 CFR Part 570.

The Subrecipient shall become familiar and comply with and cause all its employees and subcontractors, if any, to become familiar and comply with all applicable federal, state, and local laws, ordinances, codes, regulations, and decrees. Failure of the Subrecipient to, in any manner, observe and adhere to laws as described herein or as amended, shall in no way relieve the Subrecipient of its responsibility to adhere to same, and the Subrecipient herein acknowledges this responsibility.

The Subrecipient shall comply with all applicable federal laws, regulations, and requirements and all provisions of this Agreement, which include compliance with the provisions of the Housing and Community Development Act and all rules, regulations, guidelines, and circulars promulgated by the various federal departments, agencies, administrations, and commissions relating to the CDBG program. The applicable laws and regulations include, but are not limited to:

* 2 CFR Part 200 unless accepted in 24 CFR Part 570.502
* 24 CFR Part 570
* Title VI of the Civil Rights Act of 1964; (Public Law 88-352 implemented in 24 CFR Part 1)
* Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (Public Law 90-234 and Executive Order 11063 as amended by Executive Order 12259 (implemented in 24 CFR Part 107)
* Sections 104(b) and 109 of the Housing and Community Development Act of 1974
* Equal employment opportunity and minority business enterprise regulations established in 24 CFR 570.904
* Non-discrimination in employment, established by Executive Order 11246 (as amended by Executive Orders 11375 and 12086
* Section 504 of the Rehabilitation Act of 1973 Uniform Federal Accessibility Standards
* The Americans with Disabilities Act (ADA) of 1990
* The Age Discrimination Act of 1975, as amended.

## Non-Compliance

With receipt by the City of any information that evidences a failure or defi­ciency by the Subrecipient to comply with any provision of the Agreement, the City shall have the right to suspend payments, terminate the Agreement, demand repayment of all amounts provided to the Subrecipient under the Agreement, and/or require corrective action to enforce compliance with such provision.

Examples of Agreement non-compliance include:

1. If the Subrecipient (with or without knowledge) has made any material misrepresentation of any nature with respect to any information or data furnished to the City in connection with its program.
2. If there is pending litigation with respect to the performance by the Subrecipient of any of its duties or obligations under the Agreement which may materi­ally jeopardize or adversely affect the undertak­ing of or the carrying out of its program.
3. If the Subrecipient shall have taken any action pertaining to its program, which requires the City approval, with­out having obtained such approval.
4. If the Subrecipient is in default under the provisions of the Agreement
5. If the Subrecipient makes improper use of grant funds.
6. If the Subrecipient fails to comply with any of the terms and conditions of the Agreement in such a manner as to constitute material breach thereof.
7. If the Subrecipient fails to accomplish the scope of services listed in Article 1 Section I of the Agreement in a timely manner.

## Corrective Action

The City may forward to the Subrecipient recommendations to correct unsatisfactory program performance and/or non‑compl­iance, and a time‑table for implementing the recommenda­tions. Following implementation of the corrective actions, the Subrecipient shall forward to the City, within the time specified by the City, any documentary evidence required by the City to verify that the correc­tive actions have been taken. In the event the Subrecipient does not implement the corrective action recommenda­tions in accordance with the corrective action timetable, the City may suspend payments hereunder, terminate the Agreement, and/or demand repayment of any or all amounts provided to the Subrecipient under the Agreement.

# OTHER APPLICABLE LAWS AND REQUIREMENTS

CDBG subrecipients must comply with all applicable state and federal laws. Below is a summary of some of the laws and requirements:

## CIVIL RIGHTS, FAIR HOUSING, AND EQUAL OPPORTUNITY

Subrecipients must comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in the education and training programs), and the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services).

CDBG funded services may focus on a particular group or population without violating guidelines regarding equal access to services, if any member within the particular group is able to participate. West Valley City will ensure that subrecipients abide by federal Fair Housing and Equal Opportunity (FHEO).

## AMERICANS WITH DISABILITIES ACT

CDBG funded activities must comply with the Americans with Disabilities Act (ADA). The ADA provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. ADA requires that buildings are designed and constructed to be accessible to and usable by individuals with disabilities. The law also requires the removal of architectural and communication barriers to existing facilities, where such removal is easily accomplishable and able to be carried out without much difficulty or expense.

## CONFLICT OF INTEREST

No persons affiliated with the entitlement community (including subrecipients) who exercise or

have exercised any responsibilities with respect to CDBG programming, or who are able to participate in a decision-making process, may obtain a financial interest or benefit from a CDBG-assisted activity (including subcontracts), either for themselves or those with whom they have business or immediate family ties, during their income tenure or for one year thereafter.

# ENVIRONMENTAL REVIEW PROCEDURES

The environmental review procedures must be completed for each CDBG subrecipient and City Program activity. West Valley City must prepare and maintain a written record of the environmental review undertaken for each project. This written record is called the Environmental Review Record (ERR) and it must be available for public review upon request.

The four environmental classifications are:

* Exempt Activities
* Categorically Excluded Activities
* Activities Requiring an Environmental Assessment
* Activities Requiring an Environmental Impact Statement

The ERR shall contain all environmental review documents, public notices, proof of publication, and written determinations or environmental finds required by 24 CFR Part 58 as evidence of review, decision making and actions pertaining to a particular project.

# LOCATION OF ACTIVITIES

CDBG funds may be awarded to an activity outside of the jurisdiction of the entitlement community only if it can be determined that the activity directly benefits West Valley City residents or is a part of a regional effort to assist low-income persons and households.

# WRITTEN AGREEMENT

Prior to the release of CDBG funds from West Valley City, a written agreement must be executed with the subrecipient. The agreement remains in effect for the duration of the period the subrecipient is operating a program in which City CDBG funds are being utilized. The Grants Division staff must complete the Environmental Review Record ERR, which will begin upon receipt of the required documentation from the subrecipient.

A written agreement must be entered into between West Valley City and all entities receiving CDBG funds. The written agreement forms the basis for the contractual obligation between the parties to fund and implement the activity or program. The agreement will indicate responsibilities attributable to each party and shall outline in exact measure the scope of services to be provided, methods of accountability, and a schedule for payment. Execution of the agreement binds the subrecipient for a specific period and may be revised only upon written authorization from the Grants Division.

# CLOSEOUT OF GRANT

The closeout of a grant is a process in which the City determines that all applicable administrative and program requirements of the applicable Grant Agreement between the City and the grantee have been completed.

In general, a project is ready for close-out when the following conditions are met:

* All activities have been completed and have met a national objective.
* All grant funds are expended in full, or all remaining funds are to be recaptured by the City.
* All reporting requirements have been completed and submitted.
* All audit and monitoring issues are resolved.

By signing the Grant Agreement, the Subrecipient agreed to the general and special conditions of the contract and to cooperate with any reviews, including making available records requested by West Valley City or any other duly authorized representative (e.g., HUD, Office of the Inspector General, etc.).

# POST-AWARD RESPONSIBILITIES

Upon execution of the agreement between West Valley City and the Subrecipient, the Subrecipient shall:

* Immediately report all changes in its articles of incorporation, bylaws, or tax-exempt status to West Valley City within 30 days.
* Ensure no member of the Board of Directors is a paid employee, agent, or subcontractor.
* Ensure all meetings of the Board of Directors are open to the public, except meetings, or portions thereof, dealing with personnel or litigation matters.
* Continue to include representation on the Board of Directors, the broadest possible cross section of the community, including those with knowledge and interest in the available services.
* Maintain minutes of all regular and special meetings of the Board of Directors, have a regular meeting at least once a year, and/or available upon request.

# APPENDIX A

Scope of Service Public Services

The SUBRECIPIENT will be responsible for administering the {Name of Program} in a manner satisfactory to WEST VALLEY CITY and consistent with any standards required as a condition of providing these funds. The program will include the following activities eligible under the Community Development Block Grant program.

## Program Delivery

*Complete description of activity to be undertaken including what services are to be performed, where they are to be provided, for whom they are to be provided, how they are to be provided.*

## Program OUTCOMES

The subrecipient agrees to provide the following levels of program outcomes. Please describe the benefits or nature of the change or expected results the activity seeks to achieve.

## PRIMARY Outputs

The quantifiable products of the project. They are usually measured in terms of the volume of work accomplished, such as the number of low or very low-income people served. Outputs may indicate that the project or program has been completed but does not indicate whether the project or program will result in the intended program impacts (outcomes).

The subrecipient agrees to provide the following levels of program services:

|  |  |  |
| --- | --- | --- |
| **Month** | **Number of People Served** | **Cumulative Total** |
| July-September |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

# APPENDIX B

BUDGET WORKSHEET

(Example only. Actual form is in Excel)

Agency Name:

Project Title:

Fiscal Year:

**Directions:** Please use the following format to present your line-item budget. In column A, list the anticipated cost title for the project. In column B, list the amount of funding you are requesting from West Valley City. In columns C-E, list the type and amount of other funding sources to pay for the budget items. Column F will auto-populate with the total cost for the budget line-item.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Budget Line-item** | **WVC Funding** | **Other Funding** | **Other Funding** | **Other Funding** | **Total Project Funding** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| **Total Project Cost** |  |  |  |  |  |

Provide a list of staff for the activity specified above, rate of pay (hourly/salary) and percentage of time spent on project (Full-Time Equivalent) or hours per week.

|  |  |  |  |
| --- | --- | --- | --- |
| **Staff Name** | **Job Title** | **Pay Rate (hourly/salary** | **Percentage of time spent or hours per week** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Budget Narrative:** Please provide a description of the line-item budget request. Please explain the calculation of how you arrived at the project line-item cost.

# APPENDIX C

FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT (FFATA)

In accordance with 2 CFR Chapter 1, Part 170 REPORTING SUB-AWARD AND EXECUTIVE COMPENSATION INFORMATION, Prime Awardees awarded a federal grant are required to file a FFATA sub-award report by the end of the month following the month in which the prime awardee awards any sub-grant equal to or greater than $30,000.

☐ This award is less than $30,000

☐ This award is $30,000 or more

**If award is $30,000 or more:**

The reporting requirements are as follows:

* This requirement is for both mandatory and discretionary grants awarded on or after October 1, 2010.
* All sub-award information must be reported by the prime awardee.
* For those new federal grants as of October 1, 2010, if the initial award is equal to or over $30,000, reporting of sub-award and executive compensation data is required.
* If the initial award is below $30,000 but subsequent grant modifications result in a total award equal to or over $30,000, the award will be subject to the reporting requirements, as of the date the award exceeds $30,000.
* If the initial award equals or exceeds $30,000 but funding is subsequently de-obligated such that the total award amount falls below $30,000, the award continues to be subject to the reporting requirements of the Transparency Act and this Guidance.

In order to determine whether you are required to report executive compensation data, please answer the following question(s)

In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which this specific SAM record, represented by a UEI number, belongs) receive.

1. 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and
2. $30,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

☐ Yes ☐ No

# APPENDIX D

2 CFR §200.112 CONFLICT OF INTEREST

Federal, state, and local law prohibits employees and public officials of West Valley City from participating on behalf of the City in any transaction in which they have a financial interest. The SUBRECIPIENT must disclose in writing any potential conflict of interest. Please answer the questions listed below.

Are there any members of the applicant’s staff or any members of the Applicant’s Board of Directors or Governing Body who currently is or has/have been within one year of the date of this questionnaire (a) A City Employee or (b) A Member of the City Council? [ ]  Yes [ ]  No

If yes, please list the name(s) below:

|  |  |  |
| --- | --- | --- |
| NAME | POSITION | AFFILIATION WITH CITY |
|  |  |  |
|  |  |  |
|  |  |  |
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Will the City funds, requested by the applicant be used to award a subcontract to any individual(s) or business affiliate(s) who is/are currently or has/have been within one year of the date of this questionnaire a City employee, consultant, or a member of the City Council? [ ]  Yes [ ]  No

If yes, please list the name(s) below:

|  |  |  |
| --- | --- | --- |
| NAME | POSITION | AFFILIATION WITH CITY |
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Are there any members of the applicant’s staff or members of the applicant’s Board of Directors of other governing body who are business partners or family members of a City employee, consultant, or a member of the City Council? [ ]  Yes [ ]  No

If yes, please list the name(s) below:

|  |  |  |
| --- | --- | --- |
| NAME | POSITION | AFFILIATION WITH CITY |
|  |  |  |
|  |  |  |

If you have answered “Yes” to any questions listed on this Conflict-of-Interest Form, the Review Committee, along with Legal Counsel, will need to determine whether a real or apparent Conflict of Interest exists.

Name of Agency

Signature of Authorized Signing Official/Representative

Print Name of Authorized Signing Official/Representative



