

# Project Administration

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## Introduction

Administering New Jersey's Community Development Block Grant Disaster Recovery (CDBG-DR) grants requires regular attention to grant requirements and deadlines. This chapter provides subrecipients with general information on how to administer CDBG-DR grants from the Department of Community Affairs (DCA). The chapter details requirements for grant award procedures, release of grant funds, citizen participation and grievances, conflict of interest, and record maintenance.

CDBG-DR funding allocations are governed by requirements outlined in the Federal Register Notice (FRN) specific to each allocation, in addition to the general requirements for CDBG under 24 CFR 570. Please refer to your DCA Representative and HUD program guidance for questions or clarifications.

## Application of the CDBG-DR Federal Register Requirements to CDBG Activities

The United States Department of Housing and Urban Development (HUD) announced in 2022 that the State of New Jersey would receive CDBG-DR funding to support long-term recovery and mitigation efforts following the 2020 and 2021 disasters. HUD allocated \$228.346 million in CDBG-DR funds to the State of New Jersey as a result of Hurricane Ida, which impacted the State from September 1 to 3, 2021.

DCA will be the lead agency in administering the CDBG-DR funding for New Jersey.

The FRN allocating the CDBG-DR funds to the State of New Jersey, titled *Allocations for Community Development Block Grant Disaster Recovery and Implementation of the CDBG-DR Consolidated Waivers and Alternative Requirements Notice*, were issued on May 24, 2022 (referenced as [87 FR 31636](#)) and January 18, 2023 (referenced as [88 FR 3198](#)). These notices may be referred to as the 2021 Consolidated Notice. *Note: this follows a previous Consolidated Notice ([87 FR 6364](#), February 3, 2022) that was issued for disasters occurring in 2020.*

Future FRs and allocations may be applicable and can be referenced on [the HUD Exchange](#).

Subrecipients must be familiar with the requirements of the federal register notices and should review the key changes resulting from 87 FR 31636 and 88 FR 3198.

## Grant Award Procedures

### Background Information

Submitting a CDBG-DR funding application to DCA results in either an award or a notice of non-selection. Subrecipients that are selected to receive a grant are sent a preliminary approval letter. This begins the process of setting up the grant and ensuring that all contractual documents are in place. The steps in the process for newly awarded grants are described in this section.

### Steps in the Process

The following steps are taken to set up a new CDBG-DR grant award:

1. DCA sends the preliminary approval letter to the subrecipient that announces the award, the amount of the grant, and instructions on how the subrecipient needs to respond.
2. The subrecipient attends a grant agreement meeting with DCA staff and key parties such as the Construction Management Firm, engineer/architect, etc.
3. After the grant agreement meeting, the subrecipient reviews, signs, and returns the agreement to DCA.
4. DCA processes and executes the grant agreement and defines all effective dates.

## Grant Amendments

### When a Grant Amendment Is Required

Amendments may be required to change the period of performance, scope, budget, or other items from what was initially proposed in the grant application and approved by the State. If any amendment is contemplated, subrecipients are advised to contact DCA and the Construction Management Firm (CMF) immediately. Early notification of potential problems or changes will permit DCA to work with the subrecipient to try to resolve them and to determine the documentation to amend the grant agreement, if necessary.

The process below addresses more typical budget and schedule amendments. If the subrecipient requires a change to the approved project (scope, location, or beneficiaries) from what was in the initial grant application, they must provide an opportunity for citizen comment, and a higher level of review and – if applicable – re-evaluation of score criteria, cost effectiveness, and potential environmental review would be required to ensure the project will continue to meet intended HUD, resilience, equity, and environmental outcomes initially approved by the State. Should the need for such an amendment become apparent, the subrecipient must immediately notify the DCA/CMF to determine whether such an amendment is possible. The CMF will review the supporting documentation and provide their recommendation to DCA.

In all cases, subrecipients must seek approval of any amendment before proceeding with a change. All requests for amendments will be reviewed on a case-by-case basis. Approval of any amendment is subject to available time, funding, and will ultimately be at the discretion of DCA. See section 5.20 of the DCA Resilient Communities Policy for additional information.

### Procedures for Project Budget/Timeline Amendments

Any change to the purpose, scope, budget, or timeline for an approved activity may be considered for an amendment and requires DCA approval prior to taking effect. A Change Order Request Form and schedule must be completed, signed by the Subrecipient Representative (signatory to the original grant agreement) with DCA. Additional documentation to justify the amendment will be required and will depend on the type and magnitude of the amendment. Because grants were selected for funding based on the proposed project, the amendment request will be reviewed carefully by DCA and the subrecipient will be notified of additional requirements for documentation, followed by review and approval/disapproval.

At DCA's discretion, a change in budget may trigger requirements for re-evaluation of the budget and cost-effectiveness score, necessitating resubmission of relevant application materials. Additionally, documentation of cost-reasonableness is required if the project requires additional funding.

A change in timeline will require the subrecipient to resubmit its Project Schedule.

**Note: DCA may allow for period of performance changes necessary for project completion, but any extension to the timeline is still subject to HUD's overall CDBG-DR grant timeliness requirements.**

A subrecipient should never proceed with requested change(s) until they receive written approval from DCA. Subrecipients must submit their change order request as soon as the need is identified. Requests should be submitted at least 90 days prior to the termination date of the grant agreement.

### When Projects Cost Less than Planned

As a project nears completion and it becomes apparent that the final project costs will be less than what was budgeted for, the subrecipient must contact DCA regarding the next steps. Subrecipients should not proceed with additional activities without DCA review and approval.

## Citizen Participation

The primary goal of the New Jersey Citizen Participation Plan is to provide all New Jersey citizens with an opportunity to participate in the planning, implementation, and assessment of the State's CDBG-DR program(s). The plan sets forth policies and procedures for citizen participation that are designed to maximize the opportunities for citizen involvement in the community development process.

The State will provide all citizens in CDBG-DR-targeted communities with the opportunity to participate, with a particular emphasis on including low- and moderate-income individuals and ensuring access by non-English-speaking persons or those requiring special accommodations due to disabilities.

New Jersey has developed a specific citizen participation plan to meet the requirements of the CDBG-DR funding for Superstorm Sandy and Hurricane Ida and comply with the requirements outlined in 24 CFR 91.115. The plan reflects the alternative requirements as specified by the U.S. Department of Housing and Urban Development (HUD) in the Federal Register (FR-5696-N-01 and 6326-N-01) and notice of specific waivers. The State requires that any local government receiving funds must follow this citizen participation plan. The New Jersey Citizen Participation Plan for CDBG-DR is published on the official website of the New Jersey Department of Community Affairs (DCA) at [https://www.nj.gov/dca/ddrm/pdf\\_docs/Citizen%20Participation%20Plan%20Update%202023\\_508.pdf](https://www.nj.gov/dca/ddrm/pdf_docs/Citizen%20Participation%20Plan%20Update%202023_508.pdf).

### Citizen Participation Plan

To ensure that local governments comply with citizen participation requirements in [24 CFR 570.486](#), the State describes those requirements in its own citizen participation plan. To further

advance public participation in the CDBG-DR programs, the State is also setting out requirements for units of local government funded directly by the State.

All units of local government that receive CDBG-DR funds must have a written and adopted citizen participation plan. The plan must provide:

- 1) Encouragement and opportunity for citizen participation, particularly by low- and moderate-income persons who reside in slum or blighted areas and areas in which CDBG-DR funds are proposed to be used.
- 2) Reasonable and timely access to local meetings, consistent with accessibility and reasonable accommodation requirements in accordance with section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8, and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable, as well as information and records relating to the unit of local government's proposed and actual use of CDBG funds.
- 3) Information, including but not limited to:
  - a. The amount of CDBG-DR funds expected to be made available for the current fiscal year (including the grant and anticipated program income).
  - b. The range of activities that may be undertaken with CDBG funds.
  - c. The estimated amount of CDBG funds proposed to be used for activities that will meet the national objective of benefiting low- and moderate-income persons.
  - d. The proposed CDBG activities are likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.
- 4) Technical assistance to groups that are representative of low- and moderate-income persons that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing) in accordance with the procedures developed by the State. Such assistance need not include providing funds to said groups.
- 5) A minimum of two public hearings, each during a different stage of the program, for the purpose of obtaining residents' views and responding to proposals and questions. Together, the hearings must cover community development and housing needs (including affirmatively furthering fair housing), development of proposed activities, and a review of program performance. The public hearings that cover community development and housing needs must be held before submission of an application to the State. There must be reasonable notice of the hearings, and they must be held at times and in accessible locations convenient to potential or actual beneficiaries, with accommodation for persons with disabilities. Public hearings shall meet the needs of non-English speaking residents when a significant number of non-English-speaking residents can reasonably be expected to participate.
- 6) Reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities that are proposed to be added, deleted or substantially changed from the unit of general local government's application to the State. Note that "substantially changed" means changes made relating to purpose, scope, location, or beneficiaries as defined by criteria established by the State.

- 7) The address, phone number, and times for submitting complaints and grievances and provide timely written answers to written complaints and grievances within 15 working days, where feasible.

### Citizen Participation Plan Template

DCA will provide its subrecipients with a template that may be used to fulfill the requirements stated above. Subrecipients that choose to use this template must provide the necessary detail requested in the template and adopt the template as part of their CDBG-DR policies. The Citizen Participation Plan must be available on their websites for the entirety of the program to ensure citizens have adequate access.

### Public Notice

Subrecipients are required to solicit public feedback on their proposed projects prior to submitting an application and provide documentation of the feedback with the application. Community engagement and other outreach activities that capture a community's values and priorities are likely to result in a project having greater legitimacy and support, leading to greater success in implementation. It is encouraged for subrecipients to provide a landing page on their website for DR and post contracts, project descriptions, scopes, schedules, and other relevant information that should be made available to the public.

Subrecipients must solicit feedback through a virtual or in-person public hearing with relevant municipal, county, and tribal governments, followed by a 14-day public comment period, which must be completed prior to submission of the application.

- Hearings must cover the development of the proposed activity and application including when the application will be submitted, the requested amount of funds, the location of the project, and plans to minimize displacement of persons and businesses as a result of the funded activity.
- Subrecipients should supply the same documentation that would normally be required to demonstrate that a meeting was held, including the following:
  - A public meeting notice, posted at least 5 days prior to the meeting
  - A sign-in sheet
  - Meeting minutes
  - Comments received during the 14-day comment period
- The meeting notice should be posted in a newspaper with general circulation and on the subrecipient's website and must include the following:
  - The type(s) of project(s) to be undertaken
  - The source(s) of funds (i.e., CDBG-DR funds)
  - The amount of funding requested
  - The date by which comments must be made



- A contact person from whom to obtain a copy of the proposed application
- Accommodations for non-English-speaking citizens (all information posted will need to be translated into Spanish, unless less than 5% of the subrecipient's area of benefit population speaks Spanish). Translation is required to any language that makes up 5% or 1,000 speakers (whichever is less) of the subrecipient's area of benefit population.

Documentation of public engagement, solicitation of feedback, and any public comments received must be submitted with the application.

As part of the requirements for local governments stated in the [Citizen Participation Plan](#), subrecipients are required to provide a **minimum of two public hearings, each during a different stage of the program, for the purpose of obtaining residents' views and responding to proposals and questions**. Hearings conducted as part of the application phase of this program may be used to fulfill the requirements of the Citizen Participation Plan provided that they meet the criteria stated in the plan.

If the subrecipient makes substantial changes to the project relating to purpose, scope, location, or beneficiaries, subrecipients must provide citizens notice and an opportunity to comment on the changes prior to submission of a substantially changed application to the State for re-evaluation. Subrecipients must publish the updated application and solicit feedback from the citizens for no less than fourteen (14) days.

## Grievance Procedures

### Grievances Received by Subrecipients

Occasionally subrecipients receive complaints regarding their projects and activities; therefore, it is required under the citizen participation requirements that the subrecipient develop a procedure to respond to complaints and grievances.

Subrecipients must provide citizens with an address, phone number, and time period for submitting complaints and grievances. The subrecipient must respond to the complaint within 15 working days of receipt, where practical.

Each complaint and the resolution to the complaint must be well-documented in the subrecipient's files and kept in a project complaint file for any project-related complaints. It is recommended that subrecipients maintain a complaints/grievances tracker which includes the date the complaint/grievance was received, the nature of the complaint/grievance, the date it was responded to and method of response, if there was a resolution or necessary follow-up, and if any required follow-up took place.

### Grievances Received by DCA

DCA will forward any complaints it receives concerning projects to the subrecipient for response. The complainant will be notified that the complaint has been forwarded to the subrecipient for resolution. The subrecipient will follow their grievance procedures.

The subrecipient must follow the same timeline of 15 working days from receipt from DCA (where practical). Evidence of resolution must be submitted to DCA. If the subrecipient does not

provide a resolution, DCA will work with the subrecipient and the complainant to resolve the complaint.

### Disaster Tie-Back

CDBG-DR funded activities must demonstrate a direct or indirect tieback to the disaster, in New Jersey's case, Hurricane Ida. This tieback must be documented and on file for review. HUD also permits the State to fund eligible mitigation activities that address the impacts of the disaster, as well as mitigation activities that respond solely to the Mitigation Needs Assessment. Projects may address unmet recovery and mitigation needs in HUD-identified and State-identified MIDs related to Hurricane Ida or may choose to propose mitigation activities responding to other types of natural hazards identified in the Mitigation Needs Assessment.

Subrecipients must submit an explanation in their application to the program addressing how the proposed project responds directly to disaster-related risks and impacts, or projected hazard risks unrelated to the disaster. To facilitate documentation of activity eligibility, national objective, and disaster tie-back (when applicable), DCA and subrecipients will coordinate to complete the Eligibility, National Objective, & Tie-Back Documentation Form.

### Meeting a National Objective

Before any activity can be funded in whole or in part with CDBG-DR funds, a determination must be made as to whether the activity is eligible under Title I of the Housing and Community Development Act of 1974, as amended. Activities must also meet a national objective. A determination of the eligibility of an activity is made as a part of the DCA application review process.

DCA also reviews which national objective category a project will fall under. However, under the CDBG-DR regulations, a project is not considered as *meeting* a national objective until it is complete. Therefore, subrecipients must be aware of the national objective category and document compliance appropriately.

CDBG-DR requires that LMI households and vulnerable populations be prioritized in all funded activities. Seventy percent (70%) of CDBG-DR funds must benefit LMI persons. Subrecipients must ensure that the activities proposed, when taken as a whole, will not benefit moderate-income persons to the exclusion of low-income persons. However, when using CDBG-DR funds within the first 36-months after the FRN becomes effective, households above 80% AMI can be assisted under the Urgent Need national objective.

### Conflict of Interest

Conflict of interest requirements apply to CDBG-DR funds and must be adhered to ensure that public officers and employees do not gain financial or any other benefits in the procurement of goods and services, as well as in determining direct beneficiaries. Efforts should be made to recognize and resolve potential conflicts during the application phase of a project; however, the subrecipient must be vigilant throughout implementation.

#### Requirements and Persons Covered

Conflict of interest requirements are covered in the following:



- State CDBG-DR regulations at 24 CFR 570.489;
- 2 CFR Part 200.318(c)

The CDBG requirements pertaining to conflict of interest are summarized in the following paragraphs:

- **Persons Covered:** The conflicts of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the State, the unit of local government, or of any designated public agencies or subrecipients that are receiving CDBG-DR funds.
- **Conflicts Prohibited:** Except for the use of CDBG-DR funds to pay salaries and other related administrative or personnel costs, the general rule is that no persons covered (defined below) who exercise or have exercised any functions or responsibilities with respect to CDBG-DR activities, or who are in a position to participate in a decision-making process or gain inside information regarding such activities, may obtain a financial interest or benefit from a CDBG-assisted activity. Additionally, they may not have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- **Exceptions:** Upon the written request of the subrecipient, DCA may review the provisions of this section on a case-by-case basis when it determines that such an exception will serve to further the purposes of Title I and the effective and efficient administration of the program or project. An exception may be considered only after the local government has provided the following:
  - A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
  - An opinion of the local government's attorney that the interest for which the exception is sought would not violate State or local law.

## Project Signage

Nonresidential construction projects funded by CDBG-DR funds are encouraged to have signage at the project site. The signage informs citizens that the project is being funded by DCA's CDBG-DR Program, as well as listing the sponsor, architect and/or engineer and contractor.

## Drug-Free Workplace

The Subrecipient must maintain a drug-free workplace and comply with the requirements outlined in the Drug-Free Workplace Act of 1988, as amended (41 U.S.C. § 701 et seq.), and applicable federal regulations outlined in 2 CFR Part 182 and 2 CFR Part 2429.

As part of this compliance, HUD's [Certification for a Drug-Free Workplace](#) must be completed and submitted to the DCA. Documentation proving compliance must be provided and be readily available upon request throughout the grant period.

## Reporting Requirements

### Subrecipient Reporting Requirements

In order to meet the HUD requirement for submitting the DRGR Quarterly Performance Report, DCA will require subrecipients to provide quarterly progress update reports. This performance report shall be submitted to HUD within 2 weeks (14 days) after the close of the quarterly reporting period. These reports will provide updates on various elements of the award, including, but not limited to, the following:

- Progress narratives
- Current expenditures of federal funds
- Progress on performance metrics

### Financial and Performance Reporting

The Subrecipient must submit monthly interim expenditure reports, comparing actual spending with the approved Program Budget and updating cash flow and budget projections. These reports must be certified by the Chief Financial Officer.

Monthly performance reports must also be submitted to the DCA detailing project progress, work completed, costs, and key tasks. These reports must include:

- A comparison of actual accomplishments against the objectives outlined in the Scope of Services, project descriptions, and the Project and Payment Schedule.
- Reasons why established goals were not met, or tasks were not completed as scheduled; and
- Additional pertinent information, including a description of work performed during the reporting period, any Work Orders or modifications to the planned scope of work, and an anticipated work schedule for the next reporting period.

The Subrecipient must also submit a final performance report and a final Expenditure Report—certified by the Chief Financial Officer—comparing total program expenditures to the Approved Program Budget within 90 days after the period of performance ends.

## Recordkeeping

It is important that the subrecipient fully documents compliance with all applicable regulations. This is accomplished by maintaining comprehensive records and submitting all necessary reports.

The filing system should be easy to use and provide a historic account of activities for examination and review by the State, auditors, and local staff. All records must be available to the following entities upon request:

- U.S. Department of Housing and Urban Development,
- Office of the Inspector General,

- The U.S. General Accountability Office,
- The Comptroller General of the United States,
- New Jersey Department of Community Affairs

These entities must have access to any pertinent books, records, accounts, documents, papers, and other property that is relevant to the grant. Certain records must be available to the public as well. However, subrecipients must keep files that contain personal information, such as social security numbers, in a secure place.

### Record Retention

Insufficient documentation is likely to lead to monitoring findings, which will be harder to resolve if records are missing, inaccurate, or inadequate. DCA and the subrecipients are required to maintain complete and accurate documentation, organized by project, for all disaster-related costs. DCA, through their individual management information systems, as applicable, retain relevant program files as electronic records for 7 years after final closeout. Municipalities are required to retain records for at least 7 years. This policy is more stringent than 24 CFR 570.490, which states that files should be retained for the greater of 3 years from the closeout of the grant. Full details of the records retention policy can be found in the New Jersey Policy for Record Keeping, No. 2.10.19.

Documentation must be available to DCA, the New Jersey Office of Emergency Management, or HUD for review and monitoring upon request. The Storm Integrated Recovery and Operations Management System (SIROMS) will hold documentation about program information, disbursements, justification for eligible activity, and national objectives. Certain project details may also be maintained at the local level. Agreements will detail the recordkeeping requirements for how documentation should be retained between DCA and its subrecipients.

### Required Documentation

Below is a list of supporting documentation that subrecipients should maintain in their files. DCA staff may review these documents to validate the disbursement of funds. This is not an exhaustive list, and not all documentation will be required for a single request. Subrecipient-specific documentation will be pulled and reviewed when applicable.

- Project work (e.g., cost, scope, maps)
- Procurement files (e.g., bids, contracts)
- System for Award Management (SAM) active unique entity identification verification
- Payroll records, justification, and reports
- Subrecipient agreement
- Award letter
- DOB assessment
- Source documentation (e.g., purchase orders, invoices, canceled checks)
- Applicable environmental review records

- Evidence of compliance with cross-cutting requirements such as Section 3 and the Davis-Bacon Labor Standards

The table below details the categories of files to be maintained for recordkeeping compliance with CDBG-DR requirements. Subrecipients should set up file and recordkeeping systems to ensure these documents are maintained and accessible.

Category	Types of Files and Records Maintained
National Objective	<p>Low/Mod Area Benefit:</p> <ul style="list-style-type: none"> <li>• Boundaries of service area</li> <li>• Census data including total persons and percentage low/mod</li> <li>• Evidence area is primary residential</li> <li>• Survey documentation (if applicable)</li> </ul> <p>Urgent Need:</p> <ul style="list-style-type: none"> <li>• Documentation of urgency of need and timing, including how the existing conditions pose a serious and immediate threat to the health or welfare of the community</li> <li>• Document type, scale, and location of the disaster-related impact</li> <li>• Other alternative methods of UN per the CDBG-DR FRN</li> </ul>
Application	<ul style="list-style-type: none"> <li>• Application</li> <li>• Amendments and revisions to the application, if any</li> <li>• Correspondence regarding the application</li> </ul>
Grant Agreement	<ul style="list-style-type: none"> <li>• Preliminary Approval Letter</li> <li>• Grant Agreement</li> <li>• Records/correspondence concerning evidentiary materials</li> <li>• Amendments and documentations</li> <li>• Performance measures information</li> </ul>
Acquisition	<ul style="list-style-type: none"> <li>• Acquisition documentation system chart</li> <li>• Property acquisitions file for each property acquired.</li> <li>• Written letter of voluntary acquisition</li> </ul>

Category	Types of Files and Records Maintained
	<ul style="list-style-type: none"> <li>• For involuntary acquisitions: <ul style="list-style-type: none"> <li>○ HUD Form 40061, "Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Replacement Housing Payment"</li> <li>○ Document of eminent domain authorization, if applicable</li> <li>○ Contract of sale</li> <li>○ Statement of settlement costs showing the subrecipient reimbursed the property owner for acquisition price, recording fees, transfer taxes, title option, prepayment penalty on a mortgage, and pro-rate share of property tax, etc.</li> </ul> </li> <li>• Receipt for purchase price, cancelled check and the copy of the recorded deed</li> <li>• Map showing boundaries of designated risk reduction areas if using CDBG-DR for buyout acquisitions</li> <li>• Statement of Qualification of Appraisers</li> <li>• Appraisal Certificate</li> <li>• Appraisal contracts</li> <li>• Donations/Waiver of rights and benefits of the uniform act</li> <li>• Copies of public solicitations for voluntary acquisitions</li> <li>• Annual report on relocation and real property acquisitions activities</li> <li>• Acquisition log of contacts</li> </ul>
Duplication of Benefits (DOB) for CDBG-DR	<ul style="list-style-type: none"> <li>• Subrecipient DOB policy</li> <li>• Documentation of all assistance received for the disaster recovery</li> <li>• DOB Worksheet</li> <li>• Non-supplanting certification form</li> <li>• Subrogation agreement for any assistance received after CDBG-DR award</li> </ul>

Category	Types of Files and Records Maintained
Audit	<ul style="list-style-type: none"> <li>Professional Services Agreement with independent CPA (if paid with CDBG-DR funds)</li> <li>Annual audit(s), as applicable</li> <li>Documentation that all CDBG related audit findings and any questioned costs have been cleared</li> </ul>
Citizen Participation	<ul style="list-style-type: none"> <li>Public access to the Citizen Participation Plan (CPP) including complaint procedures, the Language Access Plan (LAP), and other accessibility services</li> <li>Documentation of the public hearings (notices, minutes, comments/responses)</li> <li>Documentation of comments received and responses</li> <li>Complaints and resolution documentation</li> </ul>
Fair Housing and Equal Opportunity	<ul style="list-style-type: none"> <li>Fair Housing Resolution</li> <li>Policy of Nondiscrimination based on disability status (for subrecipients with 15 or more employees)</li> <li>Project benefit profile and documentation</li> <li>Local government employee records</li> <li>Fair housing profile</li> <li>Demographic data, including data for target area projects</li> <li>Employee Affirmative Action Plan</li> <li>Documentation of actions taken to affirmatively further fair housing in the community</li> <li>Section 504 self-evaluation and transition plan and project documentation</li> <li>Title VI Implementation Plan and Self-Survey</li> <li>Drug Free Workplace Certification</li> <li>Language Access Plan (LAP)</li> <li>Citizen Participation Plan (CPP)</li> <li>Record of complaints and how they were resolved</li> </ul>



Category	Types of Files and Records Maintained
Contracts	<ul style="list-style-type: none"> <li>• Bid package(s)</li> <li>• Professional contract(s)</li> <li>• Pre-construction activities: <ul style="list-style-type: none"> <li>○ Council/fiscal court authorization of contract award</li> <li>○ Notice of contract award and preconstruction conference</li> <li>○ Notice to proceed issued to contractor and copy sent to DCA</li> </ul> </li> <li>• Documentation of construction inspection</li> <li>• Notice of Completion/Final Inspection</li> <li>• Adequate documentation of services provided, including invoices and deliverables</li> <li>• If a Section 3 Plan was required, documentation that it was carried out</li> <li>• Construction contract/subcontracts</li> <li>• Attorney certification</li> <li>• Evidence of bonding</li> <li>• Legally binding agreement(s)</li> </ul>
Environmental Review	<ul style="list-style-type: none"> <li>• Environmental Review Record</li> <li>• Finding of Exemption, finding of categorical exclusion non subject to 24 CRF 58.5, or statutory checklist for categorically excluded activities/projects</li> <li>• Combined Notice of Finding of No Significant Impact (FONSI) Determined and Notice of Intent to Request Release of Funds published in the local newspaper</li> <li>• Public Notice distribution list</li> <li>• Request for approval of evidentiary materials</li> <li>• Environmental certification signed by the certifying officer</li> <li>• Historic preservation and tribal consultation documentation, as applicable</li> </ul>

Category	Types of Files and Records Maintained
	<ul style="list-style-type: none"> <li>• Environmental Assessment Checklist and documentation for projects requiring an Environmental Assessment</li> <li>• Adoption of another agency's environmental review (i.e. FEMA)</li> </ul>
Financial Management	<ul style="list-style-type: none"> <li>• Authorized Signature form</li> <li>• Direct Electronic Transfer of Funds form</li> <li>• Request for Payments</li> <li>• Accounting records</li> <li>• Record of commitment of other funds</li> <li>• Source documentation (approved invoices, payroll, contracts, etc.)</li> <li>• Cancelled checks, deposit slips, bank statements, etc.</li> <li>• Copy of current city or county budget amendments</li> <li>• Records documenting acquisitions of asset(s)</li> <li>• Record of any disposition of properties</li> <li>• Program income records including revolving loan funds (receipt, accounting, expenditure, etc.)</li> </ul>
Labor Standards	<ul style="list-style-type: none"> <li>• Federal and state wage rates, as applicable</li> <li>• Construction bid and awards</li> <li>• Contracts containing proper and applicable labor standard provisions</li> <li>• Notice of contract award and notice to proceed</li> <li>• Change orders</li> <li>• Weekly payrolls from price and subcontractors</li> <li>• Payroll deduction authorizations</li> <li>• Employee interview forms</li> <li>• Overtime waivers</li> </ul>

Category	Types of Files and Records Maintained
	<ul style="list-style-type: none"> <li>• Evidence that the contractor posted the wage rate decision and wage rate poster at the job site (with date and time noted by inspector)</li> <li>• Documentation of resolution of any underpayment or nonpayment of wages</li> </ul>
Procurement	<ul style="list-style-type: none"> <li>• Procurement Policy</li> <li>• Professional services contract procurement files</li> <li>• Construction contract procurement files</li> <li>• Evidence of MBE/WBE outreach efforts and listing</li> <li>• Contract/Subcontract Activity Report</li> <li>• Section 3 Plan and evidence of qualitative efforts</li> <li>• Notice of Contract Award and Notice to Proceed</li> <li>• Signed contract with scope of work</li> <li>• Documentation of three price quotes for small purchases</li> <li>• Copies of all bids received and bid tabulation for competitive sealed bids</li> <li>• RFQ/RFP, responses to RFQ/RFP, and written basis for selection for competitive negotiation awards</li> <li>• Documentation that the contractor performing the grant administration is a Certified Administrator, if applicable</li> <li>• Evidence of a wage rate modification obtained from DCA if contract was awarded after 90 days</li> <li>• Written statement explaining why each low bidder was deemed non-responsible or non-responsive if contract not awarded to lowest bidder.</li> </ul>
Relocation/Displacement	<ul style="list-style-type: none"> <li>• Residential Anti-displacement and Relocation Assistance Plan</li> <li>• One-for-One Replacement Summary Subrecipient Performance Report</li> <li>• Relocation file for each relocated or displaced household</li> </ul>

Category	Types of Files and Records Maintained
	<ul style="list-style-type: none"> <li>○ Documentation of owner receiving reimbursement for moving expenses</li> <li>○ Receipts of moving expenses to document cost reasonableness</li> <li>○ Various Forms, as required</li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>• State letters of findings/recommendations</li> <li>• Subrecipient response to letter of findings</li> <li>• State response to clearance of findings</li> <li>• Other correspondence related to compliance assistance reviews and technical assistance visits</li> <li>• Compliance Plan</li> </ul>
Grant Close-out	<ul style="list-style-type: none"> <li>• Close-out Public Hearing Notice, minutes, and comments/responses</li> <li>• Project Completion Report (PCR)</li> </ul>

## Personal Identifiable Information (PII)

Employees, agents (including contractors or subcontractors), or subrecipients (including an agent or employee of its subrecipients) are considered Authorized Users of data and are therefore subject to PII requirements. Authorized users who have signed an enforceable agreement with DCA to comply with all requirements for using data managed by DCA, and who acknowledge their obligations under the Privacy Act of 1974, agree that upon being granted access to the specified HUD database or file, they will not:

- Use or reveal any individually identifiable information furnished, acquired, retrieved, or assembled by the Authorized User or others for any purpose other than those in the CDBG-DR Grant Agreement;
- Make any disclosure or publication whereby an individual or household could be identified or the data furnished by or related to any particular person could be identified; or
- Permit anyone other than DCA's Authorized Users to access the data.

A subrecipient will not authorize more than the number of Authorized Users deemed necessary. Periodically, DCA shall request that the subrecipient update its list of Authorized Users and revoke access to individuals that are not identified as Authorized Users. DCA will prohibit

access to data by any individual that is not identified by the authorized entities as an Authorized User.

As part of the CDBG-DR monitoring process, DCA will review for compliance with the terms of the transactions conducted, the use of the information obtained, and policies, practices, and procedures related to DCA. HUD also has the right to conduct onsite inspections to audit compliance with DCA for the duration of the agreement or any extension of the agreement.

## Destruction of Records

The record destruction date must never be less than seven years from the final closeout for original copies of documents. The State of New Jersey owns all original records. Public agencies must transfer these original records to DCA for storage. Before disposing of retained records, all public agencies must submit a proposal to the State's record disposal system.

## Applicable Laws and Regulations

The following are some of the federal laws, Executive Orders and State statutes that apply, in whole or in part, to the CDBG-DR programs.

Category	Laws and Regulations
General Statutes and Regulations	<ul style="list-style-type: none"> <li>• <a href="#">Title I of the Housing and Community Development Act of 1974</a>, as amended</li> <li>• <a href="#">24 CFR Part 570</a>, Community Development Block Grants: State Program Regulations; Subpart C, Eligible Activities</li> </ul>
Federal Register Notices for CDBG-DR	<ul style="list-style-type: none"> <li>• <i>Allocations for Community Development Block Grant Disaster Recovery and Implementation of the CDBG-DR Consolidated Waivers and Alternative Requirements Notices</i> <ul style="list-style-type: none"> <li>◦ <a href="#">87 FR 31636, May 24, 2022</a></li> <li>◦ <a href="#">87 FR 7859, January 18, 2023</a></li> </ul> </li> <li>• <i>Updates to Duplication of Benefits Requirements Under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Subrecipients</i> (<a href="#">84 FR 28836</a>, June 20, 2019)</li> </ul>
Acquisitions/Relocation	<ul style="list-style-type: none"> <li>• <a href="#">24 CFR Part 42</a> (includes Uniform Relocation Assistance and Real Property Acquisition Policies Act) – as modified in the Consolidated Notice <a href="#">87 FR 31636</a></li> <li>• Section 104(d) (One for One Replacement) – as modified in the Consolidated Notice <a href="#">87 FR 31636</a></li> <li>• <a href="#">24 CFR 570.606</a>, Displacement, Relocation, Acquisition, and Replacement of Housing</li> </ul>

Category	Laws and Regulations
Fair Housing, Equal Opportunity, and Accessibility	<ul style="list-style-type: none"> <li>• <a href="#">Title VI-Civil Rights Act of 1964</a></li> <li>• <a href="#">Title VII-Civil Rights Act of 1964</a></li> <li>• <a href="#">Fair Housing Act</a>, as amended (Title VIII-Civil Rights Act of 1968)</li> <li>• <a href="#">Section 109 of the Housing and Community Development Act of 1974</a>, as amended</li> <li>• <a href="#">Section 504 of the Rehabilitation Act of 1973</a>, as amended</li> <li>• <a href="#">Executive Order 11246</a>-Equal Employment Opportunity, as amended by <a href="#">Executive Order 11375</a>, Parts II and III</li> <li>• <a href="#">Executive Order 11063</a>-Equal Employment Opportunity, as amended by <a href="#">Executive Order 12259</a></li> <li>• <a href="#">Equal Employment Act of 1972</a></li> <li>• <a href="#">Age Discrimination Act of 1975</a>, as amended</li> <li>• <a href="#">Executive Order 12432</a>-National Priority to Develop Minority and Women Owned Businesses</li> <li>• <a href="#">Executive Order 12138</a>-National Women's Business Enterprise Policy</li> <li>• <a href="#">Executive Order 11625</a>-Minority Business Participation</li> <li>• <a href="#">Executive Order 12892</a>-Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing</li> <li>• <a href="#">Executive Order (E.O.) 13166</a>: Improving Access to Services for Persons with Limited English Proficiency</li> <li>• <a href="#">Vietnam Era Veterans' Readjustment Assistance Act of 1974</a></li> <li>• <a href="#">Immigration Reform and Control Act of 1986</a></li> <li>• <a href="#">Fair Housing Amendment Act of 1988</a>, as amended</li> <li>• <a href="#">Americans With Disabilities Act of 1990</a></li> <li>• <a href="#">Civil Rights Restoration Act of 1988</a></li> <li>• HUD's General Program Requirements at <a href="#">24 CFR Part 5</a> (FR 5863-F-02) and HUD's Implementing Regulations at <a href="#">24 CFR Part 100</a> (FR 5248-F-02)</li> </ul>



Category	Laws and Regulations
Environmental	<ul style="list-style-type: none"> <li>• <a href="#">National Environmental Policies Act of 1970</a>, as amended</li> <li>• <a href="#">National Historic Preservation Act of 1966</a>, as amended (Section 106)</li> <li>• <a href="#">Executive Order 11593</a>, Protection and Enhancement of the Cultural Environment</li> <li>• <a href="#">24 CFR Part 58</a></li> <li>• <a href="#">Executive Order 11988</a> and <a href="#">24 CFR Part 55</a>, Floodplain Management</li> <li>• <a href="#">Executive Order 11990</a>, Protection of Wetlands</li> <li>• <a href="#">40 CFR 149</a>, Sole Source Aquifers</li> <li>• <a href="#">Safe Drinking Water Act of 1974</a>, as amended</li> <li>• <a href="#">Endangered Species Act of 1973</a>, as amended, and 50 CFR 402</li> <li>• <a href="#">Wild and Scenic Rivers Act of 1968</a>, as amended</li> <li>• <a href="#">Clean Air Act</a>, as amended (Sections 176(c) and (d)) and 40 CFR 6, 51 &amp; 93</li> <li>• <a href="#">Clean Water Act</a></li> <li>• <a href="#">Solid Waste Disposal Act</a>, as amended</li> <li>• <a href="#">Farmland Protection Policy Act of 1981</a> (7 CFR 658)</li> <li>• <a href="#">24 CFR 51 Subpart B</a>, Noise Abatement and Control</li> <li>• <a href="#">24 CFR 51 Subpart C</a>, Siting of HUD-Assisted Projects Near Hazardous Operations</li> <li>• <a href="#">24 CFR 51 Subpart D</a>, Siting of HUD-Assisted Projects in Airport Clear Zones and Accident Potential Zones</li> <li>• <a href="#">Executive Order 12898, Environmental Justice</a></li> </ul>
Financial Management	<ul style="list-style-type: none"> <li>• <a href="#">2 CFR Part 200</a> (OMB Omni Circular) as adopted by HUD at 2 CFR Part 200</li> <li>• <a href="#">24 CFR Part 570</a></li> <li>• <a href="#">Housing and Community Development Act, Section 104c</a></li> </ul>
Labor Standards	<ul style="list-style-type: none"> <li>• <a href="#">Federal Labor Standards Act</a>, including Davis-Bacon</li> <li>• <a href="#">24 CFR Part 24</a>, Debarment and Suspension</li> </ul>

Category	Laws and Regulations
	<ul style="list-style-type: none"> <li>• <a href="#">Contract Work Hours and Safety Standards Act</a></li> <li>• <a href="#">Copeland “Anti-Kickback” Act</a></li> </ul>
Procurement and Contracting	<ul style="list-style-type: none"> <li>• <a href="#">Section 3 of Housing and Urban Development Act of 1968</a>, as amended</li> <li>• Section 3 Final Rule (<a href="#">24 CFR Part 75</a>)</li> <li>• <a href="#">2 CFR 200.318-200.327</a>, Procurement Standards</li> </ul>

## Source Documents

File Name	CPP Template (Attachment)
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File Name	Activity Eligibility and National Objective Form (Attachment)
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