



# Community Development Block Grants Coronavirus Response Action Plan

*Amended March 2022*



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## Executive Summary

On January 21, 2020, the Centers for Disease Control and Prevention (CDC) confirmed the first case in the United States of a Coronavirus known by several names, including novel Coronavirus, and SARS-CoV-2, and which causes the disease commonly referred to as COVID-19. On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act makes available \$5 billion in CDBG-CV Coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to Coronavirus. In the CARES Act and this notice, the term “Coronavirus” means SARS-CoV-2 or another Coronavirus with pandemic potential.

CDBG-CV grants are a flexible source of assistance for addressing the health and economic challenges brought on by the Coronavirus pandemic. These funds are intended to pay costs not covered by other forms of assistance and specifically benefit persons of low and moderate income. The Federal Register further details the rules, waivers and alternative requirements for CDBG-CV (Vol. 85, No.162, 51459).

### Program Modifications defined in the CARES ACT

The Community Fund in Title XII of Division B of the CARES ACT modifies several CDBG-CV requirements in response to the Coronavirus such as:

- The elimination of the public service cap on funds.
- A 5-day public comment period to expedite funds being awarded.
- Virtual public hearings – As long as social distancing and limited public gatherings is encouraged, grantees may hold virtual meetings if there is reasonable notice to the public, timely responses from local officials, and public access to all questions and responses.
- Reimbursement of costs regardless of the date incurred if they are on or after January 21, 2020- the first known day of infection in the United States.

### CDBG-CV Grant Allocation

HUD Allocation:	\$8,680,036
Less State Administration:	\$434,001.80
Less State Technical Assistance:	\$173,600.72
Total available for distribution:	\$8,072.433.48

## SECTION ONE: APPLICATION GUIDANCE

The purpose of this Application Guide is to provide guidance in preparing a Community Development Block Grant – CARES Act (CDBG-CV) application. **Applications must be submitted by 5:00 p.m. (CST), February 1, 2021.** Applications received after the due date will **not** be considered for funding.

Applicants are required to complete and submit their application and applicable attachments online at the following OKGrants web address: <https://grants.ok.gov>. Application Guidelines and specific program requirements can be found at the OKGrants web address. **Applicants should review the Application Guidelines before completing the online application.**

### National Objective-CDBG-CV Funds

The primary National Objective of the Community Development Block Grant – CARES Act (CDBG-CV) Program is to meet the Low- and Moderate-Income (LMI) national objective. The use of the “benefit to low and moderate income persons” CDBG-CV National Objective is considered a funding **PRIORITY** under the State’s CDBG-CV Program and is treated as such under the State’s individual CDBG-CV set-asides document for the achievement of the low and moderate income National Objective as delineated in 24 CFR §570.483 (Criteria for National Objectives). At least 70 percent of CDBG-CV funds must assist in activities that are LMI. The remaining 30 percent may be used for activities that meet the Urgent Need national objective. The purpose of the CDBG-CV program is to prevent, prepare for, and respond to Coronavirus.

To meet the Urgent Need national objective criteria at 24 CFR 570.208(c) (entitlements) and 570.483(d) (states), a grantee (or in the case of the State CDBG-CV program, a unit of general local government or a state, if the state is carrying out activities directly as authorized by section III.B.6.(b)(i)) must certify that:

- (1) the activity is designed to alleviate existing conditions;
- (2) those existing conditions pose a serious and immediate threat to the health or welfare of the community and are of recent origin or recently became urgent; and
- (3) that the grantee, state, or unit of general local government is unable to finance the activity on its own, and that other sources of funds are not available.

### Eligible Entities

Eligible applicants for the CDBG-CV Program are units of local government with a 2010 U.S. Census Bureau population estimate of 15,000 to 50,000 or currently are not HUD designated entitlement communities eligible to participate in the FY 2020 category. Oklahoma’s entitlement cities are Edmond, Enid, Lawton, Midwest City, Moore, Norman, Oklahoma City, Shawnee, and Tulsa as well as the units of local government participating in the CDBG-CV Urban County Designation for Tulsa County which consists of the following:

City of Bixby

City of Jenks

Town of Skiatook

City of Broken Arrow

City of Owasso

Town of Sperry

City of Collinsville  
City of Glenpool

City of Sand Springs  
City of Sapulpa

Unincorporated Tulsa County

## Application Submission Requirements

Based on population criteria previously stated, there are currently eighteen (18) units of local governments eligible to participate in this round of CDBG-CV funding. A Letter of Interest was sent out twice, once on May 08, 2020 and again on August 07, 2020. Responses were due back by May 22, 2020 and August 21, 2020. The Letter of Interest was used to determine needs in Oklahoma and was not used as a formal application tool.

The total amount of funding available for the 2020 CDBG-CV program is \$8,680,036. The funds will be allocated among the participating communities. The below table shows all eligible (based on population) 2020 Units of Local Governments.

	2020 Units of Local Governments
1.	Ada
2.	Altus
3.	Ardmore
4.	Bartlesville
5.	Bethany
6.	Chickasha
7.	Claremore
8.	Del City
9.	Duncan
10.	Durant
11.	El Reno
12.	McAlester
13.	Muskogee
14.	Mustang
15.	Ponca City
16.	Stillwater
17.	Tahlequah

## Use of Funds

Under the CDBG-CV Program all activities must be used to prevent, prepare for, and respond to Coronavirus and cannot be used for any other purpose. All activities must be in relation to the virus and have started after the first case of the Coronavirus identified in the US on January 21, 2020. Applicants will be required to provide a narrative on how each activity applied for was affected by COVID-19.

Eligible activities will include:

- **Utility Assistance- (up to six months of assistance)**

Includes assistance for water, gas, and electric for individuals who are delinquent on their bills due to the effects of COVID-19.

- **Rental Assistance- (up to six months of assistance)**

Provides assistance to households who have experienced a loss of income due to COVID-19 for up to six months. Assistance may cover past due arrears and payments to bring beneficiary current. Expenses must have accumulated on or after January 21, 2020.

- Maximum amount of assistance per month must at least meet rent reasonableness standards (24 CFR 888 and 24 CFR 982.503). You may also use the following Fair Market Rent (24 CFR 982.507.2) values found at (<https://www.huduser.gov/portal/datasets/fmr.html>)

- **Medical Assistance**

Medical Assistance includes supplies and equipment to adhere to social distancing guidelines, prevent the further spread of Coronavirus, and support a community's recovery from the Coronavirus outbreak. This assistance includes supporting the growing number of mental health services necessary during the outbreak and in relation to the safer-at-home policy and social distancing measures. Assistance will support programs that require personal protective equipment (PPE) to protect employees and the public, as well as the expansion of public services that adhere to social distancing guidelines and directly serve LMI individuals. Activities may include:

- Personal protective equipment (PPE) to protect employees or the general public from further spreading/contracting Coronavirus in hospitals, mental health facilities, and public transportation vehicles;
- Equipment and chemicals for sanitation of facilities; and
- Coronavirus testing kits for LMI individuals.

- **Mental Health Assistance**

Mental Health Assistance includes supplies and services for mental health in relation to the rise in number of mental health cases, as well as a need to maintain social

distancing. This assistance will support activities that expand mental health services that have experienced an upward trend in mental health needs since January 21, 2020, as well as offer mental health services at a distance. Activities may include:

- PPE for mental health workers;
- Equipment and chemicals for sanitation of facilities;
- Electronics configured to serve only as a form of mental health service and to adhere to social distancing guidelines that will be provided to LMI individuals; and
- Data plans (2-year max) for electronic equipment for socially distanced mental health services. Subrecipient contracts cannot be closed until 2-year contract has expired for data plan.

- **Nutrition Assistance**

Nutrition Assistance includes supplies and equipment necessary to support LMI individuals affected by the economic hardships due to the Coronavirus outbreak and the safer-at-home policy enacted by Governor Stitt on March 24th, 2020.

- Perishable and non-perishable foods, PPE, and necessary equipment to serve food to LMI individuals while maintaining social distancing for programs such as:
  - Food banks;
  - Drive- thru food pickups; and
  - Direct home food delivery

- **Daycare or After-School Assistance**

Daycare or after-school services will include assistance made directly to the daycare or after-school service program for persons that need care for their children due to work hours, job changes, or other issues directly related to COVID-19. These services are generally offered only for children under the age of 13.

- **Job Training Assistance**

Job training assistance will be provided to carry out job training in communities or neighborhoods affected by coronavirus-related job loss to revitalize the affected labor force or to help workers re-train for expanding sectors. Includes assistance to increase self-sufficiency such as:

- Literacy;
- Independent living skills;
- Resume writing;
- Job coaching;
- Job retention training; or
- Training students in a particular field or skill when there is no tie to a specific position or business.

- **Rehabilitation Assistance**

Rehabilitation Assistance will include the rehabilitation of a commercial building or public facility to improve indoor air quality and ventilation to prevent the spread of Coronavirus. This could include, but is not limited to:

- Replacing the HVAC system;
- Replacing other systems that affect air quality; or
- Adding operable windows.

CDBG-CV funds may be used to provide emergency payments for utility, rental or food assistance for up to six months. Such payments are eligible as a public service. Payments for assistance must be made to the provider on behalf of the individual or family and not directly to an individual or family in the form of income payments, debit cards, or similar direct income payments. Grantees must document, in their policies and procedures, how they will determine the amount of assistance to be provided is necessary and reasonable.

To be eligible for funding applicants must provide documentation for intake processes (Attachment I). This may include a sample of the application that will be used when beneficiaries apply for assistance.

## **Project Definition**

Under the State's CDBG-CV program, a community may request up to (3) three or more activities under one single application. If a community intends to apply for more than (3) three activities, written justification must be provided for any additional activities. Additional activities may be added upon ODOC/CD approval.

## **CDBG-CV Project Eligibility Policy**

CDBG-CV grants are subject to the requirements of the CARES Act, the authorities and conditions imposed on fiscal year 2020 CDBG-CV grants, and the mandatory provisions of this notice and waivers and alternative requirements. Except as otherwise described, grantees must comply with statutory and regulatory provisions governing the CDBG-CV program. These include regulations at: 24 CFR part 570 subpart I (states); 24 CFR part 570 subparts A, C, D, E, F, J, K, and O for CDBG-CV (entitlements, non-entitlement Hawaii counties and insular areas). For additional regulatory CDBG-CV Program guidance as related to State CDBG-CV Programs please see the Electronic Code of Federal Regulations (<https://ecfr.io/Title-24>).

Because of the nature of the eligible activities, a project narrative will be required regarding the requested activity. This will be required for all activities to ensure that each activity is tied to the preparation, prevention, and response to the Coronavirus. It is the policy of ODOC/CD that should a prospective CDBG-CV Program applicant request a CDBG-CV project/activity that does NOT appear directly eligible and cannot be immediately determined as Ineligible as interpreted from CDBG-CV regulatory guidance and ODOC/CD staff, that the applicant can formally request ODOC/CD to seek a final determination from HUD officials.

- a. The prospective applicant will be required to submit a project/activity narrative regarding the requested activity. This will be required by HUD to conduct their review and make a determination. It is the responsibility of the prospective applicant to provide the narrative.



The submission of the narrative to ODOC/CD will be seen as the formal request to seek a final determination from HUD.

- b. Once a detailed project narrative is received by ODOC/CD, it will be submitted to the Oklahoma City HUD office for a final eligibility determination.

Prospective applicants are advised to seek project/activity guidance as soon as possible from ODOC/CD if they have eligibility concerns. Prospective applicants should be aware that final CDBG-CV regulatory and program guidance can take several months to receive from HUD. ODOC/CD understands that prospective applicants are subject to CDBG-CV application deadlines; however, in absence of a final project/activity determination from HUD, ODOC/CD cannot allow an award to any requested CDBG-CV project/activity that cannot be determined to be directly CDBG-CV eligible. If the project/activity eligibility determination hasn't been received from HUD by the CDBG-CV application deadline, the application will be denied. Applicants are advised to consider that a determination may not be received by the CDBG-CV application submission date.

## **SAM.Gov Debarred / Exclusion Check Requirement**

The System for Award Management (SAM) is an official website of the U.S. government. You must have an active registration in SAM to do business with the Federal Government. There is no cost to use SAM. The General Services Administration (GSA) is required by the Federal Acquisition Regulation (FAR) to compile and maintain a list of parties debarred, suspended, or disqualified by federal agencies in SAM.gov. Units of General Local Government (UGLG's), contractors as well as recipients of federal financial assistance must be registered at SAM.gov. Active registration in SAM is required to apply for an award and for HUD to make a payment. ODOC is required by HUD to check UGLG grantees' debarment/exclusion status in the federal SAM database and place a record on file. You can use this site for FREE to:

- \* Register to do business with the U.S. government
- \* Update or renew your entity registration
- \* Check status of an entity registration
- \* Search for entity registration and exclusion records

Per the SAM User Guide, the No Active Exclusions field on the SAM Entity summary indicates whether the entity has a current debarment. SAM.gov will check the exclusions list for the DUNS number of your entity and indicate whether any exclusion records exist. If an active exclusion record exists for your entity, this question will default to "Yes," meaning that the contractor is debarred. "No Record Found" means that the entity is not registered or has let its registration lapse. The entity should ensure that the email address is current in SAM.gov so that when automated reminders are sent to renew registration each year that this reminder does not go into spam due to an obsolete email address.

**How do I start a SAM registration?** If you have not yet started your registration, please create an individual user account and log into SAM to register your entity. To register in SAM, at a minimum, you will need the following information:

U.S. REGISTRANS:

1. Your DUNS Number, Legal Business Name, and Physical Address from your Dun & Bradstreet (D&B) record. If you don't already have one, you can request a DUNS Number for FREE from Dun & Bradstreet (D&B).
2. Your Taxpayer Identification Number (TIN) and Taxpayer Name associated with your TIN. Review your tax documents from the IRS (such as a 1099 or W-2 form) to find your Taxpayer Name.
3. Your bank's routing number, your bank account number, and your bank account type, i.e. checking or savings, to set up Electronic Funds Transfer (EFT).

If you already started your registration, check your status by entering your DUNS Number or CAGE Code in the SAM Status Tracker. You will be required to upload the PDF copy provided which the check which shows that the UGLG is NOT excluded into OKGrants.

## SAM.Gov Website Exclusion Check

NOTE: CONDUCT A PUBLIC SEARCH. DO NOT LOG INTO SAM.Gov. This will ensure that the information is available for PUBLIC review. Choose "Search Records" and then use "Quick Search." Enter the UGLG's nine digit DUN's number in the "DUNS Number Search" field. Select the "SEARCH" button at the bottom of the page.

The screenshot displays the SAM.Gov search interface, divided into two main sections: QUICK SEARCH and ADVANCED SEARCH.

**QUICK SEARCH:**

- A text input field with the placeholder "Enter your specific search term" and a sub-note: "(Example of search term includes the entity's name, etc.)".
- A "DUNS Number Search:" label followed by a dashed border input field containing the number "123456789".
- A "CAGE Code Search:" label followed by an input field with the placeholder "Enter CAGE code ONLY".
- A blue "SEARCH" button and a "Need Help?" link.

**ADVANCED SEARCH:**

- Text: "Use specific criteria in multiple categories to structure your search."
- Three blue buttons stacked vertically: "ADVANCED SEARCH - ENTITY", "ADVANCED SEARCH - EXCLUSION", and "DISASTER RESPONSE REGISTRY SEARCH".

Save a copy of the search by selecting the "Save PDF" button at the top of the box. This will provide the electronic PDF file copy needed to be uploaded into the CDBG-CV application in OKGrants.

TOTAL RECORDS: 1 Save PDF | Export Results | Print

Result page 1 of 1 Sort by Modified Date | Order by Descending

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**FILTER RESULTS** Your search returned the following results...

**By Record Status**

Active

Inactive

**By Record Type**

Entity Registration

Exclusion

Apply Filters

**Entity** Status: Active +

**Seminole, County Of**

DUNS: **085541225** CAGE Code: **7WDM5**

Has Active Exclusion?: **No** DoDAAC: View Details

Expiration Date: **06/13/2018** Debt Subject to Offset? **No**

Purpose of Registration: **Federal Assistance**

**Awards Only**

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Result page 1 of 1 Save PDF | Export Results | Print

## Proposal Guidance Assistance

Applicants are encouraged to contact the staff persons listed below anytime they are uncertain regarding Program requirements, project conceptualization, or any portion of the Application Packet and/or Guidelines.

Kellon Dixon, 405-215-5626  
 Email: [Kellon.Dixon@okcommerce.gov](mailto:Kellon.Dixon@okcommerce.gov)

Taylor Huizenga, 405-308-6691  
 Email: [Taylor.Huizenga@okcommerce.gov](mailto:Taylor.Huizenga@okcommerce.gov)

## SECTION TWO: REQUIRED DOCUMENTATION

The following discussion provides detailed guidance regarding the different components needed to submit a complete CDBG-CV Application. Please note that the documentation in items One (1) through Four (4) can only be completed online at the OKGRANTS' website. Items Five (5) through Thirteen (13) are attachments that are required to be completed and then electronically uploaded via the internet to the OKGRANTS' website.

### 1. Application Summary and Certification (OKGrants – Online Completion Only)

This form requests general information about the applicant. The form must be completed in full. The certification attests to the accuracy and completeness of the application.

### 2. Detailed Line Item Budget (OKGrants – Online Completion Only)

The proposed activities should be as specific as possible as they will provide the basis of your contract and project budget should you receive funding.

As referenced in (24 CFR 570.201-204) and (CPD Notice 13-07), costs incurred as a direct result of implementing and executing eligible CDBG-CV activities are known as “Activity Delivery Costs” (ADC). These costs are directly attributable to an eligible CDBG-CV project activity. Project activity delivery costs are eligible from CDBG-CV funds. The maximum amount of CDBG-CV funds that may be used for Activity Delivery Costs is ten percent (10%) of the total CDBG-CV funds awarded.

### **3. Consultant Form** (OKGrants – Online Completion Only)

### **4. Audit** (OKGrants – Online Completion Only)

TOWNS AND CITIES (COUNTIES ARE EXEMPT) MUST SUBMIT A COPY OF THEIR AUDIT OR THE AGREED UPON PROCEDURES BY THE APPLICATION DEADLINE. ALL TOWNS AND CITIES THAT HAVE A JUNE 30, FISCAL YEAR END DATE ARE REQUIRED TO SUBMIT. A COPY OF THEIR FY 2019 AUDIT AND TOWNS AND CITIES THAT HAVE A DECEMBER 31, FISCAL YEAR END DATE ARE REQUIRED, AS A MINIMUM, TO SUBMIT A COPY OF THEIR FY 2018 AUDIT. NO APPLICATION WILL BE CONSIDERED FOR REVIEW OR FUNDING THAT DOES NOT MEET THE REQUIREMENTS STATED ABOVE.

An audit is required to be uploaded as part of the application process. However, the audit may also be submitted via postal mail to:

Oklahoma Department of  
Commerce Administrative Services  
**Attn: Sharmin Rahman**  
900 N. Stiles Ave.  
Oklahoma City, OK 73104-3234

General audit inquiries and questions regarding audit submissions should be directed to Sharmin Rahman at the Oklahoma Department of Commerce.

Sharmin Rahman, 800-879-6552, ext. 5312 or 405-815-5312  
(sharmin.rahman@okcommerce.gov)

### **5. Applicant Resolution** (Attachment A – Upload to OKGrants)

Applications must include a resolution passed by the current governing body requesting that particular assistance. The Resolution is required to be uploaded as part of the application process. A sample resolution is provided in Attachment “A” of the application.

## **6. Citizen Participation Requirements** (Attachment B – Upload to OKGrants)

All applicants, in order to apply for CDBG-CV assistance, must complete and document the following requirements: (1) create and adopt a Written Citizen Participation Plan and (2) hold an application phase public hearing regarding the CDBG-CV Program. For as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, the CARES Act authorizes the grantee to hold virtual hearings in lieu of in-person public hearings for CDBG-CV grants and for fiscal year 2019 and 2020 CDBG-CV grants (virtual hearings for other consolidated plan formula programs are addressed in section III.B.4.(a)(iv) (FR-6218-N-01). All virtual hearings held under the authority provided by the CARES Act shall provide reasonable notification and access for citizens in accordance with the grantee’s certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses. Additionally, grantees must take appropriate actions to encourage the participation of all residents, including the elderly, minorities, persons with limited English proficiency, as well as persons with disabilities, consistent with the jurisdiction’s citizen participation plan. The CARES Act does not modify nondiscrimination requirements.

Citizen Participation Plans must be officially adopted and followed by all applicants and submitted as Attachment “B” in the application. Re-stating the Citizen Participation Plan outline requirements does not constitute a valid plan. Applicants must clearly state the actions they will undertake to meet the requirements of Written Citizen Participation Plans. (Sample Citizen Participation Plan can be found in the Attachment “B” of the application.) To expedite the use of CDBG-CV funds applicants may readopt current or prior year’s Citizen Participation Plan provided that the current or previous plan has been reviewed and updated as needed to adequately support the proposed project.

Documentation of the “application phase” Public Hearing is also an application requirement. Acceptable documentation may consist of one of the following: **Affidavit of Publication or proof of online posting and/or proof of virtual hearing such as a sign sheet.**

ODOC/CD requires that no less than seven (7) working days be given as advance notice of the application phase Public Hearing or any subsequent public meetings held for the purpose of discussing project activities as they relate to the CDBG-CV grant funds.

All written Citizen Participation Plans must explain how an applicant unit of local government will:

1. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in areas where CDBG-CV funds are proposed to be used.
2. Ensure citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of local government's proposed and actual use of the CDBG-CV funds; including, but not limited to, the following:
  - (a) The amount of CDBG-CV funds expected to be made available for the current fiscal year if the project is approved;
  - (b) The range of activities that may be undertaken with CDBG-CV funds;
  - (c) The estimated amount of CDBG-CV funds proposed to be used for activities that will meet the National Objective of benefit to low and moderate income persons;
  - (d) The proposed CDBG-CV activities likely to result in displacement and the sponsoring unit of local government's anti-displacement and relocation plans developed in accordance with Section 104(d)(1) and (2) of the Act; and
  - (e) The basis on which the sponsoring unit of local government may provide technical assistance to groups' representative of persons of low and moderate income that request assistance in developing proposals. The level and type of assistance to be provided are at the discretion of the sponsoring unit of local government. Such assistance need not include providing funds to such groups.
3. Provide for a minimum of two (2) virtual public hearings; one prior to submission of the application for funding of the project that favors the purpose of obtaining citizens' views and formulating or responding to proposals and questions; the other at the end of the grant period, if the applicant receives funding, that discusses Grantee performance. There must be reasonable notice of the public hearings. ODOC/CD requires seven (7) working days, and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped.
4. Meet the needs of non-English speaking residents in the case of public hearings where a significant number of non-English speaking residents can reasonably be expected to participate.
5. Provide citizens with reasonable advance notice. ODOC/CD requires seven (7) working days and the opportunity to comment for at least (5) days on proposed activities not previously described in a unit of local government's funding request and activities which are proposed to be deleted or substantially changed. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries.

6. Provide the place, phone numbers, online information, and times where and when citizens are able to communicate when submitting written complaints and grievances; the process the unit of local government will use to provide for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable.
7. The application phase public hearing must, at a minimum, address the following topics:
  - (a) Community development, housing and public service needs;
  - (b) CDBG-CV Program purpose, i.e. meet the low and moderate income National Objective;
  - (c) The development of proposed activities.
8. The Citizen Participation Plan is required to be signed and dated by the chief elected official. The Citizen Participation Plan also requires a Town/City/County seal, or it must be notarized in lieu of the seal.

## **7. Applicant/Recipient Disclosure/Update Report – HUD Form 2880**

(Attachment C – Upload Form to OKGrants)

This form must be completed if the minimum requirements of the disclosure are met and certified by the interested parties as set forth in the disclosure. The Applicant/Recipient Disclosure/Update Report is required to be uploaded as part of the application process.

## **8. LMI Documentation** (Attachment D – Upload to OKGrants) As Applicable

For individual and household level services, LMI will be documented beneficiary by beneficiary, one at a time as services are provided. The random sample and income survey technique is only necessary for area wide services.

The following are mandatory uploads for those applicants conducting Random Sample Income Surveys:

- a. LMI Beneficiary Summary Form – (Blank Copy Attachment D) NOTE: The LMI Beneficiary Summary Form summarizes the uploaded Field Survey Sheets on one form and is required to be completely filled out to include: Town/City/Target Area, County and Survey Date
- b. Random Number Table
- c. Survey Map
- d. Copy of the Original LMI Field Survey Sheets

CDBG-CV applicants must qualify their project activities under the low and moderate income National Objective.

**(a) Qualifying under the National Objective of Benefit to Low and Moderate Income Person.**

To qualify for CDBG-CV funding under the National Objective of benefit to low and moderate income persons, the proposed project activities must show a positive or general improvement of living condition in a definable geographic target area where at least 51% of the occupied households/homes are of low and moderate income families. Low and moderate income families have an income equal to or less than the current Section 8 low income limits established by the United States Department of Housing and Urban Development (HUD), (Appendix D of this guidance document).

Each activity proposed for funding with CDBG-CV dollars claiming the National Objective of benefit to low and moderate income persons, must provide data indicating the percentage of low and moderate income beneficiaries. Various questions must be answered before determining whether or not an activity proposed for CDBG-CV funding provides benefit to principally low and moderate income families. Questions to be answered include: (1) How does the proposed activity serve the residents of the geographic target area in which it is taking place? (2) Which occupied households/homes within the geographic target area are directly affected or impacted by the proposed activity? (3) Is there a larger set of households/homes that will be served by the proposed activity?

Once the beneficiaries for each activity proposed for funding with CDBG-CV dollars have been identified, the next step is to document the percentage of low and moderate income households/homes that will benefit from each of those activities. This is best accomplished by performing an income survey in order to determine family incomes.

Income survey techniques consist of door-to-door surveys, telephone surveys, mail surveys, or any combination of the three. Regardless of the technique used, an applicant must be able to link each income response to a specific family within a specific household/home. Blind survey techniques that cannot match households/homes and their respective family incomes will not be accepted, as they do not allow for verification should it become necessary.

**For all FY 2020 income surveys, only the Random Sample Survey methodology will be accepted by ODOC/CD. ODOC/CD will accept income surveys that have been conducted within the previous five (5) program years (FY 2015, 2016, 2017, 2018, or 2019).** However, to be eligible for previous program years' surveys, the applicant will be responsible for providing copies of the original Field Survey Summary Sheet, Survey Field Sheets, Random # Table, and Survey Map.

**(b) Conducting an Income Survey**



For those applicants conducting Random Sample Income Surveys, a sample Field Survey Form can be found in Appendix “A” of this guidance document. All applicants are required to complete the Direct Project Beneficiary Income Survey Summary located in the online application at OKGrants. Additionally, the following LMI documentation is required to be uploaded the Application “UPLOADS” section of OKGrants:

1. Upload a copy of the Random Number Table that was generated by ODOC/CD to perform the survey.
2. Upload a color coded map that identifies each surveyed home’s income status (above or below low and moderate income status); the location of all proposed CDBG-CV and leverage activities, and the central business district.
3. Upload all scanned copies of the original Direct Beneficiary Income Field Survey sheets.
4. Upload a copy of the LMI Field Survey Summary sheet. (A blank copy of this form is located in Attachment D) *NOTE: The LMI Field Survey Summary Sheet summarizes the uploaded Field Survey Sheets on one form and is required to be completely filled out to include: Town/City/Target Area, County, and Survey Date.*

An overview of the Random Sample Survey procedures is provided below.

**Step 1.** List by name and address, the number of households within the geographic area to be covered by the project (for example, the following listings may be used to identify the number of households within your universe: water billing, wastewater billing, solid waste billing, 911 emergency service databases, or in the case of a county, the voting rolls).

**Step 2.** Alphabetize your universe by last name (all households); or list in ascending or descending order by account numbers. This establishes a random distribution for your universe.

**Step 3.** Number all households composing your universe.

**Step 4.** Based on the number of households provided, a random survey sample will be generated by ODOC/CD and provided to the applicant along with the required response rate that must be achieved.

**Step 5.** Match the random sampling numbers to your numbered household universe and survey those locations. For example, if the random sample provided by ODOC/CD is “#47”, match that number 47, to the 47th entry on your numbered universe and survey that location. Continue to survey until you have achieved the required response rate. Do not over survey.

**Step 6.** Survey using the “Direct Project Beneficiary Income Survey Field Worksheet” provided in the appendix to this application packet (these working papers are to be

retained with the permanent records of the unit of local government) and the low- income figures for your county (provided in Appendix A).

**Step 7.** Complete and upload Attachment D LMI Beneficiary Income Summary Form in your OKGrants application Upload Section.

The table below provides the sample size of households that must be surveyed compared to the number of households identified in the target area. For example: If you had 230 occupied households in the target area, you would need to survey 150 occupied households.

Required Sample Sizes for Universes of Various Sizes:

<b>Number of Occupied Households</b>	
1 - 55	50 or all if less than 50 households in universe
56 - 63	55
64 - 70	60
71 - 77	65
78 - 87	70
88 - 99	80
100 - 115	90
116 - 138	100
139 - 153	110
154 - 180	125
181 - 238	150
239 - 308	175
309 - 398	200
399 - 650	250
651 - 1,200	300
1,201 - 2,700	350
2,701 or more	400

The results of the Random Survey must be **clearly shown on a map** that identifies each surveyed home with the low and moderate income homes designated with a distinct color. Applicants performing income surveys are cautioned that incorrectly administered surveys or their resulting data regarding low and moderate income percentage claims will be rejected. **Failure to include a properly marked map with the application will result in rejection and return of the application.**

Determining the beneficiaries and performing a survey for any activity under any project category is critical. ODOC/CD guidance regarding beneficiaries and surveys is well advised. Therefore, all applicants should take the time to discuss their project activities and surveys with ODOC/CD staff before performing their survey(s).

### **9. W-9 Form & Instructions** (Attachment E – Upload to OKGrants)

The W-9 form (Taxpayer Identification Number & Certification) is required to be filled out in full and uploaded as part of the application process.

### **10. SAM.gov Exclusion / Debarment Verification** (Attachment F – Upload to OKGrants)

### **11. DOB Subrogation Agreement / Chart** (Attachment G – Upload to OKGrants)

Section 4 details the Duplication of Benefits requirements under the Stafford Act. Pages 19-22 include the forms necessary & required to upload to OKGrants.

### **12. DOB Policies and Procedures** (Attachment H- Upload to OKGrants)

### **13. Sample Documentation for Intake Processes** (Attachment I- Upload to OKGrants)

This may include a sample of the application that will be used when beneficiaries apply for assistance.

## **SECTION THREE: THRESHOLD CRITERIA**

Under this broad category, an applicant may submit a project proposal for any eligible activity listed under Section 105(a) of the Federal Housing and Community Development Act of 1974, as amended, and 24 CFR Part 570 as applicable.

1. As referenced in (24 CFR 570.201-204) and (CPD Notice 13-07), costs incurred as a direct result of implementing and executing eligible CDBG-CV activities are known as “Activity Delivery Costs” (ADC). These costs are directly attributable to an eligible CDBG-CV project activity. Project activity delivery costs are eligible from CDBG-CV funds. The maximum amount of CDBG-CV funds that may be used for Activity Delivery Costs is ten percent (10%) of the total CDBG-CV funds awarded.
2. If an eligible community is applying in the CDBG-CV set-aside, that community cannot apply for any other CDBG-CV set-aside during the FY 2020 program year.

3. The project must achieve a National Objective. CDBG-CV applicants must qualify their project activities under the low and moderate income National Objective. This is accomplished by conducting a random sample income survey in the project target area.
4. Each community must have an updated Citizen Participation Plan and conduct one virtual public hearing before the application is submitted. **Acceptable documentation of the public hearing may consist of one of the following; Affidavit of Publication or proof of online posting and/or proof of virtual hearing such as a sign sheet.**
5. Applications must include a Resolution passed by the current governing body requesting the particular assistance.
6. Cities must have submitted a copy of their Audit by the application deadline. All Cities that have a June 30, Fiscal Year End date are required to submit a copy of their FY 2019 Audit. Cities that have a December 31, Fiscal Year End date are required, as a minimum, to submit a copy of their FY 2018 Audit. **NO APPLICATION WILL BE CONSIDERED FOR REVIEW OR FUNDING THAT DOES NOT MEET THE REQUIREMENTS STATED ABOVE.**
7. The application must sufficiently demonstrate an applicant's need for the requested CDBG-CV activity. For any requested CDBG-CV project, there is an underlying "need" for such a project. It is the responsibility of the applicant to communicate to ODOC/CD why the particular CDBG-CV activity is being requested in the application and how it relates to the effects of COVID-19. Failure to adequately demonstrate a project need will result in a FAILED application. The project need is communicated in the "Project Description" section of the "CDBG-CV Application Summary" page of the online OKGrants application. Additional narratives and supporting documentation can be uploaded in the "Uploads" page of the OKGrants application if required.

## SECTION FOUR: DUPLICATION OF BENEFITS

The CARES Act and The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) require the Oklahoma Department of Commerce Community Development Division (ODOC/CD) to ensure that there are adequate procedures in place to prevent any duplication of benefits as required by section 312 of the Stafford Act, as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115-254; 42 U.S.C. 5121 et seq.).

Duplication of benefits (DOB) occurs when Federal financial assistance is provided to a person, household, business, government, or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs.

A grantee is required to develop and maintain adequate written procedures to prevent a duplication of benefits that address (individually or collectively) each activity or program. A

grantee’s policies and procedures are not adequate unless they include, at a minimum: (1) A requirement that any person or entity receiving assistance (including subrecipients and direct beneficiaries) must agree to repay assistance that is determined to be duplicative; and (2) A method of assessing whether the use of funds will duplicate financial assistance that is already received or is likely to be received by acting reasonably to evaluate unmet need and the resources available to meet that unmet need. At a minimum, it is also recommended that the policies and procedures include the following components:

- \* Program design that targets primary needs that are unlikely to be addressed by other sources.
- \* Identify and document other available resources and any unmet needs or gaps in budgets.
- \* Consider timing of funding availability from various sources or other partners. (ex. When funding has been exhausted are there other sources that may help).
- \* Include methods utilized to ensure prevention of duplication of benefits.

Grantees will be required to consult with their local Community Action Agencies or other non-profit organizations to ensure there is no duplicative assistance. Grantees will be required to provide documentation of their consultation with local agencies.

Grantees should first calculate the amount of assistance needed and the amount of funds to be received for an activity. Below is an example of a DOB analysis that can be used in determining DOB.

<b>1. Identify Applicants Total Need</b>	<b>\$ 100,000.00</b>
<b>2. Identify Total Assistance Available</b>	
National Flood Insurance Program (NFIP)	
Private Insurance (applicant must submit a claim if covered)	\$ 20,000.00
SBA Grants/Loans (includes PPP and EIDL)	\$ 50,000.00
Other Federal, State or Local Government Assistance	
Other private assistance including charitable contributions	
<b>Subtotal</b>	<b>\$ 70,000.00</b>
<b>3. Identify the Amount of Total Assistance to Exclude as Non-duplicative.</b>	<b>\$ 15,000.00</b>
<b>Explanation of non-duplicative funds:</b>	
\$15,000 was private insurance for inventory replacement. This grant covers operating costs only.	
<b>4. Identify total DOB Amount (Item 2 minus Item 3)</b>	<b>\$ 55,000.00</b>
<b>5. Calculate Maximum Award (Item 1 minus Item 4)</b>	<b>\$ 45,000.00</b>
<b>6. Program cap (if applicable)</b>	<b>\$ 50,000.00</b>
<b>7. Final award (lesser of Items 5 and 6)</b>	<b>\$ 45,000.00</b>

Grantees will be required to sign the Duplication of Benefits Subrogation Agreement (Attachment G) and submit it with their application along with a completed DOB Chart (Attachment G). The DOB Subrogation Agreement obligates the Grantee to repay any duplicative assistance received for the same purpose as awarded funds. This agreement also

requires the grantee to immediately report any assistance not reported in the initial DOB analysis.

## **Monitoring DOB**

The process for identifying and monitoring for DOB begins with the review of each grant application. An applicant must provide detailed information about other sources of funds that have been or will be received related to the activity for which said funds are being requested. ODOC/CD staff will review this information and coordinate with other internal programs such as Community Services Block Grant (CSBG) and Emergency Solutions Grant (ESG) to determine if any funds represent DOB for each activity. ODOC/CD may also utilize Community Action Agencies to determine duplicative assistance. If additional funds are determined to be DOB, funds will be withheld from future pay requests, and the approved project budget will be amended. If all funds have been expended and a DOB is identified, the applicant will be required to repay funds to ODOC/CD.

## Duplication of Benefits Subrogation Agreement

This Subrogation and Assignment Agreement (“Agreement”) is made and entered into on this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ (“Recipient”) and the \_\_\_\_\_ (“Grantor/Lender”).

In consideration of the Recipient’s receipt of funds or the commitment by Grantor/Lender to evaluate the Recipient’s application for the receipt of funds (collectively, the “Grant/Loan Proceeds”) under the Oklahoma Department of Commerce CBDG-CV Program administered by Grantor/Lender, Recipient hereby assigns to Grantor/Lender all of Recipient’s future rights to reimbursement and all payments received from any grant, subsidized loan, or insurance policies of any type or coverage or under any reimbursement or relief program related to or administered by a Federal entity, for profit, non-profit or other organization that was the basis of the Coronavirus pandemic since January 21, 2020, the extent of Grant/Loan Proceeds paid or to be paid to the Recipient under the Program and that are determined in the sole discretion of Oklahoma Department of Commerce (ODOC) to be a duplication of benefits (“DOB”) as provided in this Agreement.

The proceeds or payments referred to in the preceding paragraph, whether they are from insurance, Coronavirus relief grants, other grants awarded, or any other source, and whether or not such amounts are a DOB, shall be referred to herein as “Proceeds,” and any Proceeds that are a DOB shall be referred to herein as “DOB Proceeds.” Upon receiving any Proceeds not listed on the Duplication of Benefits Chart the Recipient agrees to immediately notify the Grantor/Lender who will notify US Department of Housing and Urban Development (HUD) of such additional amounts, and ODOC will determine in its sole discretion if such additional amounts constitute a DOB. If some or all of the Proceeds are determined to be a DOB, the portion that is a DOB shall be paid to the Grantor/Lender, to be retained and/or disbursed as provided in this Agreement.

The Recipient agrees to assist and cooperate with the Grantor/Lender elect to pursue any and all claims the Recipient has against the insurers for reimbursement of DOB Proceeds under any such policies. The Recipient’s assistance and cooperation shall include but shall not be limited to: allowing suit to be brought in the Recipient’s name(s) and providing any additional documentation with respect to such consent, giving depositions, providing documents, producing record and other evidence, testifying at trial and any other form of assistance and cooperation reasonably requested by the Grantor/Lender. The Recipient further agrees to assist and cooperate in the attainment and collection of any DOB Proceeds that the Recipient would be entitled to under any applicable program.

If requested by the Grantor/Lender, the Recipient agrees to execute such further and additional documents and instruments as may be requested to further and better assign to the Grantor/Lender, to the extent of the Grant/Loan Proceeds paid to the Recipient under the Program, the Policies, any amounts received under the programs that are DOB Proceeds and/or any rights thereunder, and to take, or cause to be taken, all actions and to do, or cause

to be done, all things requested by the Grantor/Lender to consummate and make effective the purposes of this Agreement.

The Recipient explicitly allows the Grantor/Lender to request of any company with which the Recipient held insurance policies, or for-profit or non-profit organizations or any other entity from which the Recipient has applied for or is receiving Proceeds, any non-public or confidential information determined by the Grantor/Lender to be reasonably necessary by the Grantor/Lender to monitor/enforce its interest in the rights assigned to it under this Agreement and give the Recipient's consent to such company to release said information to the Grantor/Lender.

If the Recipient (or any lender to which DOB Proceeds are payable to such lender, to the extent permitted by superior loan documents) hereafter receives any DOB Proceeds, the Recipient agrees to promptly pay such amounts to the Grantor/Lender, if the Recipient received Grant/Loan Proceeds under the Program in an amount greater than the amount Business would have received if such DOB Proceeds had been considered in the calculation of the Recipient's award.

In the event that the Recipient receives or is scheduled to receive any Proceeds not listed on its Duplication of Benefits Chart ("Subsequent Proceeds"), the Recipient shall pay such Subsequent Proceeds directly to the Grantor/Lender, and ODOC will determine the amount, if any, of such Subsequent Proceeds that are DOB Proceeds ("Subsequent DOB Proceeds"). Subsequent Proceeds in excess of Subsequent DOB Proceeds shall be returned to the Recipient. Subsequent DOB Proceeds shall be disbursed as follows:

If the Recipient has received full payment of the Grant/Loan Proceeds, any Subsequent DOB Proceeds shall be retained by the Grantor/Lender and remitted to ODOC.

If the Recipient has received no payment of the Grant/Loan Proceeds, any Subsequent DOB Proceeds shall be used by the Grantor/Lender to reduce payments of the Grant/Loan Proceeds to the Recipient, and all Subsequent DOB Proceeds shall be returned to the Recipient.

If Recipient has received a portion of the Grant/Loan Proceeds, any Subsequent DOB Proceeds shall be used, retained and/or disbursed in the following order: (A) Subsequent DOB Proceeds shall first be used to reduce the remaining payments of the Grant/Loan Proceeds, and Subsequent DOB Proceeds in such amount shall be returned to the Recipient; and (B) any remaining Subsequent DOB Proceeds shall be retained by the Grantor/Lender and remitted to ODOC.

If the Grantor/Lender makes the determination that the Recipient does not qualify to participate in the Program or the Recipient determines not to participate in the Program, the Subsequent DOB Proceeds shall be returned to the Recipient, and this Agreement shall terminate.

Once the Grantor/Lender has recovered an amount equal to the Grant/Loan Proceeds paid to the Recipient, the Grantor/Lender will reassign to the Recipient any rights assigned to the Grantor/Lender pursuant to this Agreement.





900 N. Stiles Avenue  
Oklahoma City, OK 73104, USA  
405-815-6552 | Toll Free 800-879-6552  
**OKCOMMERCE.GOV**

The Recipient represents that all statements and representations made by the Recipient regarding Proceeds received by the Grantor/Lender shall be true and correct as of the date of Closing.

NOTICE: The Recipient and the person executing this Agreement on behalf of the Recipient are hereby notified that intentionally or knowingly making a materially false or misleading written statement to obtain property or credit, including a mortgage loan, is a violation of 18 U.S. Code § 1010 and, depending upon the amount of the Grant/Loan Proceeds, is punishable by fine, imprisonment for up to two years, or both.

The person executing this Agreement on behalf of the Recipient hereby represents that he\she has received, read, and understands this notice of penalties for making a materially false or misleading written statement to obtain the Grant/Loan Proceeds.

In any proceeding to enforce this Agreement, the Grantor/Lender shall be entitled to recover all costs of enforcement, including actual attorney's fees. Any litigation that may arise involving this agreement shall take place in the District Court of Oklahoma or the Western District of the State of Oklahoma. The laws of the State of Oklahoma shall also apply to this agreement.

**RECIPIENT**

[insert recipient name]

By: \_\_\_\_\_

Authorized Official: \_\_\_\_\_

Title: \_\_\_\_\_

**GRANTOR/LENDER:**

[insert name of administrative entity]

By:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

