

State of California - Business, Consumer Services and Housing Agency Gavin Newsom Governor

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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# CDBG Management Memo #22-06 Revised

#### Date: September 16 August 22, 2022

To: Community Development Block Grant – Coronavirus (CDBG-CV) Tribal Set-Aside Grantees

#### Subject: Advance Funding for Tribes – Revision

## **Introduction**

As part of their COVID-19 response strategy, grantees have designed programs and projects that require significant financial outlays that are difficult for many Tribes, local governments sponsoring tribal programs, and tribal non-profits to accommodate through cost reimbursable payments only.

The challenges caused by offering only the reimbursement payment option include:

- Grantees and subrecipients with limited cash flow may incur significant interest expenses if their only option is to take out loans to cover program costs while they await reimbursement from CA HCD.
- Many of our Tribal grantees, especially those from non-federally recognized Tribes, may not be financially able to apply and/or qualify for loans, nor do they have other funding sources available to cover program costs while they await reimbursement from CA HCD.
- CDBG-CV funds have tight expenditure deadlines, and as CA HCD and its grantees come upon those deadlines, it will be critical for CA HCD to process payments for eligible costs as quickly as possible in order to meet the expenditure deadline and not risk losing funding.
- Allowing advances for tribal grantees supports AB 1010 implementation which requires CA HCD to meaningfully address tribal access and participation in



HCD funding programs and grants CA HCD's Director or Designee the ability to address barriers to access by modifying or waiving certain HCD program requirements.

## **Eligibility**

Advances will be limited to grantees administering CDBG-CV public service projects on behalf of California tribal communities. Eligible entities will include:

- 1. Jurisdictions serving non-federally recognized tribes
- 2. Non-federally recognized tribes applying as nonprofits
- **3.** Federally recognized tribes that provide a limited waiver of sovereign immunity

## **Federal Regulations**

For HUD Recipients that are able to meet the requirements in 2 CFR 200.305, it is not necessary for all costs to be incurred prior to receiving advanced funds. Recipients may also disburse – in advance of actual expenditures – payments to subrecipients that can also meet the requirements at 2 CFR 200.

Based on this, CA HCD may provide advance funding to some Grantees for up to three months of operating costs or no more than \$45,000, whichever is less. This funding is limited to the minimum, immediate cash requirements to carry out the purpose of the approved activity, program, or project.

Requirements governing advance funding are as follows:

- As per 31 CFR §205.12(b)(4) and 2 CFR §200.305(b)(4)/ (8), if HCD draws down federal funds from HUD this will trigger the 3 day-clock for HCD and its grantees to disburse funds to cover anticipated cash needs. Disbursement of funds must occur in a timely manner. The general rule is that CDBG funds must be used within three business days they are drawn down. If disbursement takes longer than three business days, written justification should be maintained in the files.
- Per 24 CFR Part 85.21(b) / [2 CFR 200.305(b)] [also referenced at 24 CFR 570.502(b)(3)(i)], recipients and subrecipients are required to have procedures in place to minimize the amount of time that elapses between the transfer of CDBG funds and the disbursement of those funds by the grantee or subrecipient in accordance with Treasury regulations at 31 CFR Part 205.



Recipients (and subrecipients) must include accurate information in drawdown requests.

For HUD Recipients that are able to meet the requirements in 2 CFR 200.305, it is not necessary for all costs to be incurred prior to receiving advanced funds. Recipients may also disburse – in advance of actual expenditures – payments to subrecipients that can also meet the requirements at 2 CFR 200. Best practices are based on CDBG annual allocation. The regulations allow for both reimbursement of costs as well as advance funding. CDBG-CV funding has been made available as a result of a pandemic that has created unprecedented impacts across the not only the United States but the world. This funding requires expedited methods of getting the monies out to those in need as quickly as possible without sacrifice the regulatory requirements. Advance funding should be viewed as a privilege not a right, so a process has been designed to provide this privilege to those grantees who abide by the rules and process.

## State Statute

<u>California Government Code 925.6</u> governs the processing of claims submitted to the State Controller's Office for payment. The code states the following,

"Except as otherwise provided in subdivisions (b) and (e), the Controller shall not draw their warrant for any claim until the Controller has audited that claim in conformity with law and the general rules and regulations adopted by the department, governing the presentation and audit of claims."

The procedures outlined in the Advance Payment Management Memo ensure that the claim submitted is indeed for use for eligible expenditures. Further, documentation that all advanced funds have been spent on eligible uses must be submitted prior to submitting any additional advance requests.

This is further supported by the long-standing language in HCD Standard Agreements that presents Advances as a method of payment at the sole discretion of the Department.

In the CA HCD Standard Agreement Exhibit B Budget and Payment Provisions Section 4. Method of Payment, the following is stated about Advance Payments:

*B.* Advances: The Grantee must receive prior written approval from the Department before submitting an advance request. All advances are subject to the Department's consent, which may be given or withheld on



its sole discretion. No advances will be issued prior to full Agreement execution.

Section C.2. identifies the final date by which an Advance Payment request must be submitted to the Department.

C.2: Grantees on the Advance Payment System: The last advance payment must be submitted to the Department no later than sixty (60) days prior to the Expenditure Deadline of this Agreement.

## **Standard Agreement**

<u>Exhibit B Budget Detail and Payment Provisions</u>, which is included as part of the Standard Agreement that is executed and authorized by CA HCD and the Grantee, addresses the use of Advances as a method of payment:

4. Method of Payment

B. Advances: The Grantee must receive prior written approval from the Department before submitting an advance request. All advances are subject to the Department's consent, which may be given or withheld on its sole discretion. No advances will be issued prior to full Agreement execution.

CA HCD, as stated in the Standard Agreement Exhibit B, has at its sole discretion, the authority to use advances as a method of payment.

# **Equity**

In the Notices of Funding Availability (NOFAs), CA HCD requested grantees to prioritize the advancement of racial equity in all CDBG-CV programs and across systems and units of government in their jurisdiction. The Department asks grantees to be leaders in their communities promoting racial equity; therefore, all grantees must identify how they are working to ensure racial equity in access to programs, projects, and funding resources.

CDBG-CV at its core is providing funding to address the immediate needs and impact brought about as a result of COVID-19 to those that require the assistance as quickly as possible. Additionally, HCD has made CDBG-CV funds available to Tribes within California. Not only have Tribes been historically denied access to resources, but also have been disproportionately impacted by the effects of coronavirus.



In order to ensure the equitable access to CDBG-CV funds by Tribal governments, local governments sponsoring tribal programs and tribal non-profits that may not have the capital to front the cost of incurred program expenditures while they wait for CA HCD to process payments to reimburse eligible costs, it is incumbent on CA HCD leadership to offer an option that will allow these programs to move forward in a timely manner.

In order for Tribal governments, local governments sponsoring tribal programs and tribal non-profits to prioritize the advancement of racial equity by providing the much-needed funds, they need to have the ability to request advance funds so that they can provide the programs and funding that is needed.

## **Threshold Documentation**

To be eligible to receive advance funding (or reimbursement of any kind), Grantees must have supplied an acceptable set of required project documentation. This "threshold" documentation is shown in Exhibit 1, below.

Threshold Documentation
Application with complete:
Budget
National objective
Scope of work
Milestone timeline
(Application should be in Exhibit E.)
Resolution
Executed copy of the Standard Agreement (STD 213)
Taxpayer Identification Number (TIN) form
Program Guidelines
<ul> <li>Must include Duplication of Benefits Policy or this must be supplied as a separate document</li> </ul>
Site Control documentation (deed or lease) (if applicable)

#### Exhibit 1. Threshold Documentation



Threshold Documentation
Verified good standing with the California Department of Housing and Community Development
(CA HCD verification, not a document.)
Debarment documentation for Grantee
<ul> <li>Debarment documentation for subrecipients, contractors, or other jurisdiction partners (if applicable)</li> </ul>
<ul> <li>Copies of any Memorandums of Understanding (MOUs) or agreements associated with the project (if applicable)</li> </ul>
Certifications and Statement of Assurances (Appendix J) signed by authorized representative, including:
Growth control certification
Compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 relocation requirements (if applicable)
Compliance with requirement for Housing Element (HSC § 50829)
(CA HCD verification, not a document.)
<ul> <li>Citizen participation documentation</li> </ul>
Most recent single audit documentation
<ul> <li>No outstanding findings or plan in place to resolve</li> </ul>
Environmental (NEPA) and Historical Review

HCD Representatives and Grant Administrators will check all contracts for this threshold documentation before authorizing advance funding or other reimbursement.

## **Basic Tenets of Disbursement**

Regardless of the method used, all disbursements must adhere to the following:

- Include accurate information about services performed, program eligibility, allowable costs, and supplemental documentation.
- Federal funds drawn down erroneously must be returned to HCD or to HUD.



HCD's Grantees must be able to forecast what their cash needs are and communicate that to HCD to avoid excessive drawdowns (2 CFR §200.305(b)(2)).

### **Reimbursement**

From the date the advance is received forward, Grantees will submit documentation of the costs incurred during the previous month, and CA HCD will be able to reimburse the Grantees for the amount expended that month. This will allow Grantees to "roll" forward the advanced funds to expend the next month. Based on the limitations established in the notice, the funds rolled forward must not exceed the originally identified three-month operating expense.

This does not mitigate the requirement for quarterly Financial and Activity reporting.

## Advance Process

The process by which a Tribal Grantee can request advance funding is similar to the one used to file a Financial Report to request reimbursement. As with Financial Reporting, the process consists of three distinct activities:

- Filling out the new Financial Reporting form
- Submitting information in the Grants Network Portal
- Submitting required documentation (which in the case of advance funding is due within 120 days after the date of advance approval)

### **Completing the Financial Reporting Form**

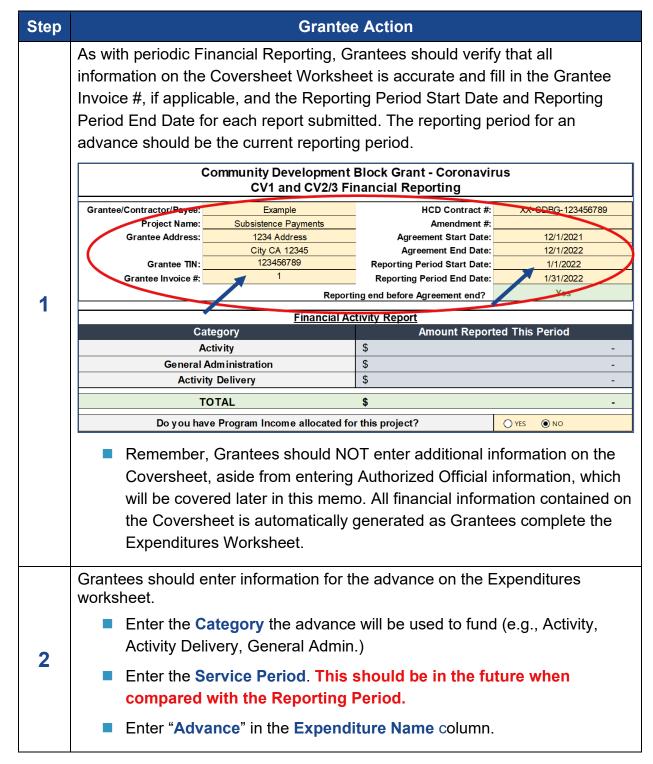
Grantees should use a copy of the Financial Reporting form with completed identification information previously provided to them by their Grant Administrator. The use of this Excel-based form consisting of a Coversheet worksheet and an Expenditures worksheet was previously described in CDBG Management Memo #21-01.

Grantees filling out a request for advance funds will complete the form in the same manner as they would for financial reporting except that they will enter "Advance" in the Expenditure Name column on the Expenditure Worksheet as discussed in the steps below. Note that requests for advance funds should be treated separately and should not be part of a regular financial report.

The basic steps for completing the Financial Reporting Form are reviewed in Exhibit 2 below with specifics added for requesting advance funding.



Exhibit 2. Grantee Steps for Completing the Financial Reporting Form for Advances





Step			Grant	ee Action						
	Enter information under Service Description.									
	Enter the amount of advance funding being requested under Amount.									
	<ul> <li>Remember, the amount that can be requested is limited to the minimum, immediate cash requirements needed to carry out the purpose of the approved activity, program, or project.</li> </ul>									
		Con	mmunity Developmer	nt Block Grant - Coronavirus						
			CV1 and CV2/3	Financial Reporting						
			Expenditures Sheet etail for all expenditures d	uring the Reporting Period and ensure that you h	ave followed					
	<ul> <li>2.) Enter the Service Period in which the expenditure occurred, this could be a specific date or range;</li> <li>3.) Enter an Expenditure Name for this item that identifies the Service/Expenditure type;</li> <li>4.) Provide a brief Service Description that directly relates to the approved Standard Agreement;</li> <li>5.) Enter the Amount for that line item reported by this request;</li> <li>** Ensure that documents are listed in the order in which they are provided in any attachments in eCivis.</li> <li>** If necessary, provide additional details in the Service Description to make clear what costs are being reported, which costs are allocated or prorated, the basis for such allocation or proration, and any additional guidance important for HCD's review.</li> </ul>									
	** If necessary, p	ocuments are list provide additiona	ed in the order in which they I details in the Service Desc	r are provided in any attachments in eCivis. ription to make clear what costs are being reported, wi n, and any additional guidance important for HCD's re	view.					
	** If necessary, p allocated or pror	ocuments are list provide additiona ated, the basis fo	ed in the order in which they I details in the Service Desc or such allocation or proratio	are provided in any attachments in eCivis. ription to make clear what costs are being reported, wh						
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	** If necessary, p allocated or pror	ocuments are list provide additiona ated, the basis fo	ed in the order in which they I details in the Service Desc or such allocation or proratio	r are provided in any attachments in eCivis. ription to make clear what costs are being reported, wi n, and any additional guidance important for HCD's re	view.					
	** If necessary, p allocated or prov Description of Clain Category 1 Activity Delivery	ocuments are list provide additiona ated, the basis for mos for Reimble Service Period 2/1-2/28/2022	ed in the order in which they I details in the Service Desc or such allocation or proratio ursement: Expenditure Name Advance	r are provided in any attachments in eCivis. ription to make clear what costs are being reported, wi n, and any additional guidance important for HCD's re Total Service Description Program staff salary for February	view.       \$ 27,000.00       Amount       \$ 7,000.00					
	** If necessary, p allocated or prov Description of Clai Category 1 Activity Delivery 2 Activity 3	ocuments are list provide additiona ated, the basis fo ims for Reimb Service Period	ed in the order in which they I details in the Service Desc or such allocation or proratio ursement: Expenditure Name	r are provided in any attachments in eCivis. ription to make clear what costs are being reported, wh n, and any additional guidance important for HCD's re Total Service Description	view.       \$ 27,000.00       Amount       \$ 7,000.00       \$ 20,000.00       \$ -					
	** If necessary, p allocated or prov Description of Clai Category 1 Activity Delivery 2 Activity	ocuments are list provide additiona ated, the basis for mos for Reimbu Service Period 2/1-2/28/2022	ed in the order in which they I details in the Service Desc or such allocation or proratio ursement: Expenditure Name Advance	r are provided in any attachments in eCivis. ription to make clear what costs are being reported, wi n, and any additional guidance important for HCD's re Total Service Description Program staff salary for February	view.       \$ 27,000.00       Amount       \$ 7,000.00       \$ 20,000.00					
3	** If necessary, p allocated or prov Description of Clai Category 1 Activity Delivery 2 Activity 3 4 5 6 7 8 The Grantee appears on t	should c he Cover ember, an	ed in the order in which they il details in the Service Desc or such allocation or proratio ursement: Expenditure Name Advance Advance Advance	r are provided in any attachments in eCivis. ription to make clear what costs are being reported, wi n, and any additional guidance important for HCD's re Total Service Description Program staff salary for February	view. \$ 27,000.00 Amount \$ 7,000.00 \$ 20,000.00 \$ - \$ - \$ - \$ -					



Step		Gran	tee Action									
	Community Development Block Grant - Coronavirus CV1 and CV2/3 Financial Reporting											
	Grantee/Contractor/Payee: Project Name:	Example Subsistence Payments	HCD Contract #:	XX-CDBG-123456789								
	Grantee Address:	1234 Address City CA 12345	Agreement Start Date: Agreement End Date:	12/1/2021 12/1/2022								
	Grantee TIN: Grantee Invoice #:	123456789 1	Reporting Period Start Date: Reporting Period End Date:	1/1/2022 1/31/2022								
		Repo	rting end before Agreement end?	Yes								
	Catego		Activity Report Amount Reported	I This Period								
	Activit	У	\$ \$	20,000.00								
	General Admin Activity De		\$	7,000.00								
	ΤΟΤΑ	L	\$	27,000.00								
		if zero expenditures are re- equest and attachments are nent, that payment has b ited Exhibits	accurately	Program Income has								
4	been allocated for th	IS Project. Program Income allocate	d for this project?	O YES IN NO								
5	number of the Author and have that official Name/	orized Certifyin	ing Official:									
	Authorized Certifying Official Signature Certifying Official Title	_		<del>Updated Oct</del> ober								



### Submitting the Advance Funding Request in the Grants Network Portal

Completing the advance funding request process in the Grants Network Portal requires actions by both the Grantee and their Grant Administrator. This memo covers required Grantee actions in detail and provides an overview of the actions required by the Grant Administrators.

Exhibit 3. Grantee Steps to Submit Advance Funding Request in the Grants Network Portal

(Note: The Advance funding request process for Grantees in the Grants Network Portal is identical to that of submitting a Financial Report with the exception that a Grantee may choose to submit documentation following the request rather than at the time of request. Grantee must also note in the narrative that this is an Advance funding request.)

Step	Grantee Action										
1	Log in to the portal with your credentials.										
	Scroll to <b>Program Solicitation</b> and click the advance.	ne link for	the award that n	eeds an							
	Make sure to select the option that s column.	shows Aw	arded in the sta	tus							
	Program Solicitation	Due Date	Status 🎝	Actions 11							
2	2020 ESG-CV N/A California Department of Housing and Community Development, ESG - CV	11/04/2020	Draft	=							
	2021 - HOME Investment Partnerships Program (HOME) CA HCD DEMO, Home - Projects (Test Account)	07/31/2022	Draft	=							
	2021 Housing for a Healthy California (HHC) Article I CA HCD DEMO, NHTF - (Test Account)	01/10/2022	Draft	=							
	CDBG - Competitive Home Rehabilitation CA HCD DEMO, Community Development Block Grants - (Test Account)	10/15/2030	Draft	=							
	CDBG - Competitive SCREEN SHOTS CA HCD DEMO, Community Development Block Grants - (Test Account)	10/15/2030	Awarded	=							
	Scroll to Pending Tasks and look for the r	eport you	would like to cor	nplete.							
3	This will be a Financial Report for the requesting an advance. (This would be a financial requestion of the requestio	•	-	•							



Step							Gr	ante	ee /	Act	ion							
	Pending Tasks	>																~
	Show 10	✓ entries													Search:			
	Task Type							J†	Due D	ate					Actions		ļ	T
	Financial Rep	ort Request							07/15	/2021					=			
	Activity Repor	t Request							10/01	/2021					=			
	Financial Rep	ort Request	>						10/15	/2021	)					)		
	Activity Repor	t Request							11/01	/2021					=			
	Activity Repor	t Request							12/01	/2021					=			
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	Financial Rep	ort Request							01/15	/2022	_	_						
4	Click on Financia					op-u	ip w Creat		ow. Ianc	ial F	Repo						Creat	
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		28	29 3	D 1	2	3	4	26	27	28	29	30	31	1				
		5	6	8	9	10	11	2	3	4	5	6	7	8				
							_										J	



Step	Grantee Action								
	Enter claim totals for which you are approved budget <b>Reporting form</b>	e requesting ac These entries	lvance funding <mark>s must match</mark>	, as applicable					
	Financial Report Details Reporting Period: 05/01/2021 - 07/31/2021 Invoice number:		Receiver ID:						
	Category	Spend	Match	Spend + Match	Award Remaining				
6	1. Activity	\$ 25,872.34	\$ 0.00	\$ 25,872.34	\$ 96,225.66				
	2. General Administration	\$ 4,897.00	\$ 0.00	\$ 4,897.00	\$ 20,111.00				
	3. Activity Delivery	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00				
	Program Income	Received	Expended		Balance				
		\$ 13,444.00	\$ 127,573.65		\$				
	Report Total	Spend	Match	Spend + Match					
		\$ 30,769.34	\$ 0.00	\$ 30,769.34					
		100.00 %	0.00 %						
7	Provide a Finance expenditures for indicate that thi information to ex Financial Report Narrative * Please develop your narrative belo Image: Please develop	which you are s is an Advan plain what the wincluding key metrics, spendi I U = = = = : ng request. rrative should explain th II in. Fill in. Fill in. Fill in.	requesting Adv ce Funding re advance will bunch advance will bunch advance will bunch se expenditures. Fill in. Fill in. Fill in. Fill in. Fill in. Fill	vance funding. equest. Add ac e funding. <sup>details.</sup>	Make sure to				



Step	Grantee Action
	Below the Narrative field, Grantees will find the Financial <b>Report Files</b> section. Grantees should use the <b>Upload file</b> function to upload the Financial Reporting form requesting the Advance.
	It is a best practice for Grantees also to upload supporting documentation for the expenditure for which they are claiming the advance.
	<ul> <li>This might include documents such as invoices, contracts, estimates, or payroll records to support the need for advance funding.</li> </ul>
	<ul> <li>Additional documentation will be required at a later date to prove the actual expenditures.</li> </ul>
8	If Grantees do not upload the supporting documentation at this time, their Grant Administrator will create a separate Miscellaneous Task in the eCivis Grants Management Network to which they must respond to upload the supporting documentation within 120 days of approval of the request.
	Financial Report Files  Please upload any files necessary For your financial report. This may include financial transactions, receipts, program income, etc  Upload File Show 10 ventries Search:
	File Name 🕌 File Size 🕼 Actions
	No files are available for download
	Showing 0 to 0 of 0 entries Previous Next
	Save & Close Submit Report Cancel
9	When the report is ready to submit, the Grantee clicks the red <b>Submit Report</b> button at the bottom of the page.
10	A warning box will pop up. The Grantee should click <b>OK</b> if they are ready to submit the report.
	Clicking Cancel will take the Grantee back to the reporting screen.



Step	Grantee Action								
		Warning! Are you sure you want to su form to the grantor for app	· · · · · · · · · · · · · · · · · · ·	report? This will s	end the contents of this Cancel Ok				
11	After select	ing <b>OK</b> , the Grante	ee will be ta	ken to the	Award Dashbo	ard.			
12			ding Appro		Search:	Jbmitted			
13	click Save a The on the The	ee needs to save and Close to retur Grantee can locat he Award Dashbo Current Status of Report should ap	rn to the rep e the unfinis <b>pard</b> . f the incomp	ort later. shed repor plete repor	t under <b>Award /</b> t should show as	Activities			

Following receipt of the advance request in the eCivis Grants Management Network, the HCD Representative or Grant Administrator will approve the request or return it to the Grantee if there are outstanding issues.

At this same time, the HCD Representative or Grant Administrator will create a Miscellaneous Task in the eCivis Grants Management Network to enable Grantees to upload documentation for the advance. The task will be named Advance Payment Documentation. It is anticipated that ALL Grantees requesting advances will need to



respond to this documentation task, as all will need to provide proof, in the form of invoices, bills, etc., of the actual expenditure of the funds advanced. The due date on this task is **120 days after the date of advance approval**.

#### Exhibit 4. Grantee Uploads Documentation

Step	Grantee Action
1	For all documentation that was not added at the time of the Advance funding request, the Grantee can upload the requested documents by clicking on the Actions link for the Advance Payment Documentation task link.
	This documentation will always include actual proof of expenditure of the advanced funds.
2	Click View/Edit Task.
3	Upload the supporting documentation as much as possible in the same order as the requests appeared on the Financial Reporting form.
4	Submit as usual.

### **Frequency**

Grantees may only have one outstanding advance at a time.

### **Effective Date**

This memo is effective as of September 16, 2022. This Management Memo applies only to CDBG-CV awards made as part of the Tribal Set-Aside.

### **Questions**

If you have general process questions, please contact your Grant Administrator. If you have specific questions about the information in this Management Memo, or any other questions regarding the CDBG Program, please contact Felicity Gasser at <u>felicity.gasser@hcd.ca.gov</u> or 916-820-1187.