

Guide for Review of Compliance with Code Enforcement Requirements			
Name of Program Participant:			
Grant Number:			
Staff Consulted:			
Name(s) of Reviewer(s)		Date	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

Instructions: This Exhibit is designed to evaluate the program participant's Code Enforcement Program as set forth at 24 CFR 570.202(c) and further defined at Section 105(a)(3) of the HCD Act. This Exhibit deals specifically with the unique requirements of code enforcement activities and should be used in conjunction with Exhibit 3-1 on eligibility and Exhibits 3-2 or 3-6 on national objectives, as applicable.

This Exhibit includes citations to regulations that pre-dated HUD's implementation of 2 CFR part 200 (e.g., 24 CFR part 85 (2013 edition) and 2 CFR part 225 (2013 edition)). CPD staff conducting monitoring should use the appropriate citations based on the applicability of 24 CFR part 85 (2013 edition) and 2 CFR part 225 (2013 edition) or 2 CFR part 200. For further information, please see the HUD Transition Notice (SD-2015-01) dated December 26, 2015, which describes the transition to 2 CFR part 200 located at:

<https://portal.hud.gov/hudportal/documents/huddoc?id=15-01sdn.pdf> and additional transition guidance available in a subsequent notice (CPD-16-04), dated April 13, 2016, and located at: <http://portal.hud.gov/hudportal/documents/huddoc?id=16-04cpdn.pdf>.

Questions:

1.

Has the program participant established written local operating procedures and policies for its code enforcement program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

2.

How does the program participant define code enforcement?
Describe Basis for Conclusion:

3.

Is the program participant using its employees, a code enforcement inspection company or specialist, or another unit of government to carry out its CDBG-assisted code enforcement? Identify the entity below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

Exhibit 3-23
CDBG Entitlement Program

4.

a. If the program participant hired a code enforcement inspection company or specialist, was that company or specialist procured in accordance with 24 CFR 85.36?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

For Monitoring Covered by 2 CFR Part 200 Requirements.

b. If the program participant hired a code enforcement inspection company or specialist, was that company or specialist procured in accordance with 2 CFR 200.318-200.326?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

5.

Identify the costs charged by the program participant involving code enforcement inspections and enforcement of codes. Examples are inspector salaries, uniforms, hearing costs, vehicle depreciation, and tablets.
Describe Basis for Conclusion:

6.

Is the program participant paying the full salaries of the code enforcement inspectors with CDBG funds? If no, what is the percentage of the salary being paid with CDBG funds?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

7.

If yes, is the code inspector(s) spending 100 percent of his/her/their time working on CDBG-assisted code enforcement? If no, what is the percentage of time being spent on CDBG-assisted code enforcement? Are there timesheets to show the percentage of time worked on CDBG-assisted code enforcement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

8.

For monitoring not covered by 2 CFR Part 200: If applicable, is the program participant charging the use allowance for vehicles and tablets being used for CDBG-assisted code enforcement? [The use allowance is defined in the old 2 CFR Part 225 (formerly OMB Circular A-87) as a means of allocating the cost of fixed assets to periods benefiting from asset use.]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

For Monitoring Covered by 2 CFR Part 200 Requirements.

9.

If applicable, is the program participant charging depreciation costs as identified at 2 CFR 200.436 for vehicles and tablets being used for CDBG-assisted code enforcement. [Depreciation is the method for allocating the costs of fixed assets to periods benefiting from asset use.]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

10.

Were the items identified in 8 and 9 above eligible?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

11.

If yes, was the cost (or the use allowance) of those items paid with CDBG funds proportionate to the amount of time they are used for CDBG-assisted code enforcement activities? For example, if the items are used 50 percent of the time for CDBG-assisted code enforcement, was no more than 50 percent of the cost paid with CDBG funds? [24 CFR 570.502(a)(6) (2013 edition); 24 CFR 85.22 (2013 edition); and for monitoring covered by 2 CFR Part 200 Requirements: 24 CFR 570.502(a); 2 CFR 200.405]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

12.

Does the program participant use CDBG funds to pay staff that process code enforcement violations (issuing the violation notices via mail, receiving and processing fines)?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

13.

If yes, are the salaries paid with CDBG funds proportionate to the amount of time spent processing CDBG-assisted code enforcement fines? [24 CFR 570.502(a)(6) (2013 edition); 24 CFR 85.22 (2013 Edition); and for monitoring covered by 2 CFR Part 200 Requirements: 24 CFR 570.502(a); 2 CFR 200.405]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

14.

Does the program participant use CDBG funds to pay for code enforcement hearings?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

Exhibit 3-23
CDBG Entitlement Program

15.

If yes, are the cost of the hearings and the hearing officers paid with CDBG funds proportionate to the amount of time spent working on CDBG-assisted code enforcement hearings? [24 CFR 570.502(a)(6) (2013 edition); 24 CFR 85.22 (2013 Edition); and for monitoring covered by 2 CFR Part 200 Requirements: 24 CFR 570.502(a); 2 CFR 200.405]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

16.

a. Are all of the costs incurred for CDBG-assisted code enforcement considered necessary and reasonable? [24 CFR 570.502(a)(6) (2013 edition); 24 CFR 85.22 and 2 CFR 225 (formerly OMB Circular A-87, C. 2.) (2013 edition)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

For Monitoring Covered by 2 CFR Part 200 Requirements.

b. Are all of the costs incurred for CDBG-assisted code enforcement considered necessary and reasonable? [24 CFR 570.502(a); 2 CFR 200.403 and 2 CFR 200.404]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

17.

Has the program participant documented that the areas where CDBG-assisted code enforcement is being carried out are deteriorated or are deteriorating according to local and/or state law? [24 CFR 570.202(c)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

18.

If yes, does the program participant have a description on file of the conditions of the areas where CDBG-assisted code enforcement was carried out to demonstrate that the local or state law definition of deteriorated/deteriorating was met?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

Exhibit 3-23
CDBG Entitlement Program

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19.

If no specific areas were identified in its records for CDBG-assisted code enforcement, did the program participant use CDBG funds to pay for code enforcement activities in its entire jurisdiction? [Program participants may only use CDBG funds to carry out code enforcement jurisdiction-wide if the entire jurisdiction is deteriorating/deteriorated according to state/local law.]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

20.

Has the program participant documented improvements that it plans to make or has the program participant made improvements in the areas where it carried out CDBG-assisted code enforcement? [24 CFR 570.202(c)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

21.

If yes, identify the improvements that are planned or were carried out, as appropriate. Will they be CDBG-assisted? If so, please use Exhibit 3-1 (Eligibility) and the appropriate Exhibit for the national objective (Exhibits 3-2 to 3-9).	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

22.

If improvements have not been made, does the program participant identify a timeframe when the improvements will be made?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

23.

Did the code enforcement activity carried out under 24 CFR 570.202(c) meet a national objective? Use the appropriate Exhibit on National Objective compliance (Exhibits 3-2 to 3-9) with this Exhibit.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

24.

If the recipient levies fines against violators, are those fines required to be used to recoup the costs of conducting the code enforcement?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

Exhibit 3-23
CDBG Entitlement Program

25.

<p>a. If yes, did the program participant treat those fines as applicable credits (see OMB Circular A-87 C. 4.) to the CDBG program code enforcement activity? (See also Exhibit 34-2, Question 4.) [24 CFR 570.502(a) (2013 edition)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p>Describe Basis for Conclusion:</p>							

For Monitoring Covered by 2 CFR Part 200 Requirements.

<p>b. If yes, did the program participant treat those fines as applicable credits (see 2 CFR 200.406) to the CDBG program code enforcement activity? (See also Exhibit 34-2, Question 4.) [24 CFR 570.502(a)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p>Describe Basis for Conclusion:</p>							