Broward County

Board of County Commissioners

Policy Manual for Federal Awards

(CDBG, CDBG-DR, CDBG-MIT)

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Chapter Information: CDBG-MIT/DR Policy

1.1 Department

Office of Intergovernmental Affairs

1.2 Section

Grants Section

1.3 Authority

County:
Administrative Code of Broward County, Chapter 20, Part II. Budget Administration, 20.17, Supplemental Appropriations; Part V.20.31, Federal and State Grants
Administrative Code of Broward County, Volume 15; Chapter 5, Grant Management Procedures
Broward County Procurement Code, Broward County Charter, and Florida Statutes Section 287.055
Broward County EEO Policy
Broward County Equal Opportunity Policy
Broward County Investigations of Violations Policy
Broward County Anti-Harassment Policy
Broward County Equal Accessibility and Non-Discrimination on Basis of Disability Policy
ADA Reasonable Modifications Policy and Procedures
Administrative Code of Broward County, Chapter 3, Part II, Section 3.9
Broward County Administrative Policy and Procedures, Volume 7: Enterprise Technology Services (ETS), Chapter 7: Exceptions Policy, Section 1.8

State of Florida:
Florida Statues CHAPTER 125, COUNTY GOVERNMENT: F.S. 125
Florida Statues Governing Grants to Local Government: F.S. 163.3167

Federal:
PART 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: 2 CFR 200
24 CFR 91.325(b)(6) – Excessive Force
24 CFR Part 570 – Community Development Block Grant
41 CFR 60 741 – Affirmative Action Plan
Fair Housing Act (42 U.S.C3608(e)(5)); (E.O.12259(1-202)); 24 CFR 570.601

1.4 Purpose

The purpose of this policy is to establish uniform guidelines for the administration and implementation of projects funded through Community Development Blick Grant (CDBG), Community Development Block Grant Disaster Recovery (CDBG-DR), and/or Community Development Block Grant Mitigation (CDBG-MIT) requirements.

1.5 Scope

This manual applies to Broward County departments and divisions that received CDBG MIT and CDBG DR funding. It is intended to help the departments understand the Cross-Cutting and policy requirements of the United States Department of Urban Development (HUD) and State of Florida.

It shall be the individual responsibility of each county employee involved in the implementation and administration of a federally funded project to understand and adhere to the adopted policies, procedures, and regulations of Broward County and the State of Florida.

1.6 Definitions

1.6.1 Abuse

Behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain. See § 11.45(1)(a) Fla. Stat.

1.6.2 Fraud

To obtain something of value through willful misrepresentation, including, but not limited to, intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity's assets, bribery, or the use of one's position for personal enrichment through the deliberate misuse or misapplication of an organization's resources. See §11.45(1)(e) Fla. Stat.

1.6.3 Waste

The act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose. See § 11.45(1)(m) Fla. Stat. This may include the unnecessary incurring of costs resulting from inefficient practices, systems, or controls.

1.6.4 NIST

National Institute of Standards and Technology (NIST) is an agency of the U.S. Department of Commerce. Its mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve quality of life.

1.7 Policy Statement

Broward County's Strategic Plan and agency business plans encourage the pursuit of external funding to address community needs, gaps in service and to diversify funding streams used to deliver County services. Consistent, effective, countywide systems are used to pursue and

manage grants in accordance with generally accepted accounting principles, federal, state and local regulations, and procedures set forth below.

2. Procedures:

2.1 Section 504 and ADA

All personnel actions shall be based solely on the merit of the individual. Any employee who feels he/she or a fellow employee has been discriminated against should contact the Human Resources Department.

Modification for the Physical and Mental Limitations or Disabilities of Employees and Applicants

Broward County will work around a qualified employee's or applicant's handicap/disability so he/she may be successfully employed, or continue to be employed, by the County in a reasonable manner in accordance with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) Subpart B-8.11. Such reasonable modifications may include: (1) making a facility used by employees accessible to, and useable by, individuals with handicaps/disabilities; (2) job restructuring; and (3) modification of equipment or services. Prior to such accommodation, the County will consider if such would impose an undue hardship in the conduct of the County's business. Factors to be considered shall include, but not be limited to, operational necessity, financial concerns, health and safety to others, and administrative burden.

Americans With Disabilities Act

Broward County will provide equal opportunities for persons with disabilities seeking employment and will provide a bias free work environment in accordance with the Americans with Disabilities Act (ADA). The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment.

Individuals who feel that an action or inaction on the part of the County, its representatives, or employees, are in violation of the Act may file a complaint. The complaint procedure and appropriate forms may be obtained from the County's Human Resources Department.

Discrimination and Harassment

It is the policy of Broward County to maintain an environment free of harassment (sexual harassment or non-sexual harassment) of any individual in the workplace. This policy applies to all employees in their working relationships, and to harassment by anyone in the workplace, including harassment by coworkers, supervisors, or nonemployees.

While it is impossible to list all circumstances that may constitute unlawful harassment, the following are some examples of conduct which, if unwelcome, may constitute unlawful harassment:

Oral, written, drawn images or pictures (in any form including electronic media); abuse and/or threats that may include teasing, jokes, insults, gestures, epithets, or remarks based on sex, race, age, disability, religion, national origin, color, or retaliation; gossip regarding an individual's

sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess, or other lewd or obscene comments; visual displays, including electronic media (e.g., screen savers) or printed media material (e.g., posters, cartoons), in the workplace that are sexually explicit or derogatory or demeaning of an individual's color, national origin, race, religion, sex, age, or disability; demands for sexual favors; unwelcome or unsolicited.

The County publishes ADA coordinator information on the County website so that the Public knows who to contact regarding ADA complaints and to ask questions. All calls and inquiries are logged using a case management system.

Citizens may first file a written complaint through the County by mailing the submission to the following address:

Broward County
Attention: Professional Standards Section
115 S. Andrews Avenue, Suite 427
Fort Lauderdale, FL 33301

2.2 Administrative Policies

Complaints and Appeals

The goal of Broward County is to provide an opportunity to resolve complaints in a timely manner, usually within 15 business days as expected by HUD, if practicable, and to provide the right to participate in the process and appeal a decision when there is reason for an applicant to believe its application was not handled according to program policies. All applications, guidelines, and websites will include details on the right to file a complaint or appeal, and the process for filing a complaint or beginning an appeal.

Complainants can appeal program decisions related to one of the following activities:

1. A program eligibility determination;
2. A program assistance award calculation; and
3. A program decision concerning housing unit damage and the resulting program outcome.

Citizens may first file a written complaint through the County by mailing the submission to the following address:

Broward County
Attention: Professional Standards Section
115 S. Andrews Avenue, Suite 427
Fort Lauderdale, FL 33301

Citizens may file a written complaint or appeal through the Disaster Recovery/Mitigation email at CDBG-DR@commerce.fl.gov or submit by postal mail to the following address:

Attention: Chief, BER
Florida Department of Commerce
Division of Community Development
107 East Madison Street
The Caldwell Building, MSC 420
Tallahassee, Florida 32399
cdbg-dr@commerce.fl.gov

If the complainant is not satisfied by the County's determination or Florida Commerce response, the complainant may file a written appeal by following the instructions issued in the letter of response. If after the appeals process the complainant has not been satisfied with the response, a formal complaint may then be addressed directly to the regional Department of Housing and Urban Development (HUD) at:

Department of Housing & Urban Development
Charles E. Bennett Federal Building
400 West Bay Street, Suite 1015
Jacksonville, FL 32202

Broward County operates in Accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988). Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination: 1-800-669-9777 (Toll Free) or www.hud.gov/fairhousing.

Duplication of Benefits (DOB)

As a recipient of CDBG funds, the County shall ensure that no duplicative funding is attributed to any allocation received for a given project. The County shall document any funds benefitting the completion of a project and monitor that no duplication is expended by way of insurance benefits, SBA, NFIP, FEMA, or other federal/state funding sources.

Historic Preservation Act of 1966

The County shall comply with the historic preservation requirements of the National Historic Preservation Act of 1966, as amended, the procedures set forth in 36 CFR part 800, and the Secretary of the Interior's Standards for Rehabilitation, codified at 36 CFR 67, and Guidelines for Rehabilitating Historic Buildings.

Davis-Bacon Act (DBA) and Labor Standards Compliance

The Davis-Bacon Act (DBA) applies to all construction contracts greater than $2,000 unless the state awarding program's authorizing legislation contains exceptions. All workers or mechanics working on projects covered by the act will be paid minimum hourly wages and fringe benefits according to the wage determination(s) applicable to that contract. If any portion of a contract requires DBA, then all work performed under the contract is subject to DBA. In the CDBG-DR program, only rehabilitation of residential property containing less than eight contiguous housing units is exempt from DBA. Work done by a local government's employees (force account) is not subject to DBA.

Additionally, contractors will comply with the Contract Hours and Safety Standards Act (CWHSSA) and the Copeland Anti-Kickback Act (Copeland Act). CWHSSA requires that, for

any project in which the prime contract exceeds $100,000, workers be paid one-and-one-half times their normal hourly rate for any hours worked more than 40 hours weekly, based on a work week of seven (7) consecutive days. The Copeland Act prohibits any person from inducing a worker on a federally funded project to give up any part of the compensation to which the worker is entitled. No payroll deductions are permitted that are not specifically listed in the Copeland Act unless the contractor has obtained written permission from the employee as specified in 29 CFR 3.5 for otherwise permissible payroll deductions. Davis Bacon does not apply to single-family scattered site rehabilitation and reconstruction programs.

Wage Determinations will be included in all construction related procurements.

All selected construction vendors shall be verified as not being listed on the Sam.gov Debarred/Excluded Vendors list and not listed on the HUD Limited Denial of Participation List.

Language Access Plan

As a result of the Four-Factor Analysis, Broward County has determined persons with limited English proficiency who primarily speak Spanish and Creole need language assistance. For this purpose, the County has identified the following types of language assistance be provided as needed throughout federally assisted programs:

- All public notices and published citizen participation advertisements will include a statement that services and program materials are available in Spanish or Creole upon request.
- All citizen participation notices will include a statement that translators will be available at public meetings upon prior request.
- If needed, a translator may be retained to provide oral translation at public meetings, hearings and during the implementation of the project activities (as needed for housing and public services).

Additionally, individual projects shall consider the LEP populations living in the project area to ensure assistance is provided for LEP residents speaking languages other than Spanish and Creole. The County will continue to use the associated Limited English Proficiency (LEP) Plan. The associated LEP Plan is publicized on the Broward County Housing Finance Division website.

Monitoring

The County shall routinely monitor all applicable contracted vendors to ensure compliance with technical specifications and state and federal requirements, maintain adequate cost and budget controls, and process necessary contract changes to bring the project to completion on time.

National Environmental Policy Act of 1969

Broward County will adhere to the provision of the National Environmental Policy Act of 1969, as amended (NEPA), established national policies, goals, and procedures for protecting, restoring, and enhancing environmental quality. NEPA requires the evaluation of environmental impacts of proposed federally funded projects and identification of mitigation measures to minimize or prevent adverse impacts. As a subrecipient-managed project(s) funded by HUD

CDBG-DR/MIT funds, when applicable, the County will Complete an Environmental Review Record (ERR) in compliance with NEPA; Council on Environmental Quality (CEQ); regulations 40 CFR Parts 1500–1508; 24 CFR Part 35, 51, 55, and 58; and all applicable state and local regulations.

Every project undertaken with CDBG-DR/MIT funds and all additional activities related to that project are subject to environmental review and the provisions of NEPA, as well as the HUD environmental review regulations at 24 CFR Part 58.

Environmental clearance must be obtained for each project prior to the firm commitment of federal funds, even if non-federal funds are also being used. No work may start on a proposed project prior to completion of the environmental review. A violation of this requirement will jeopardize all federal funding for the project, and all costs that were incurred before the completion of the environmental review will be disallowed.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites and to develop procedures to ensure compliance with the Office of Long-Term Resiliency CDBG-DR/MIT Policy Manual regulations pertaining to these factors. The environmental review includes an evaluation of potential adverse effects and mitigation related to noise abatement and control; historic preservation; coastal zone management; the Clean Air Act; airport clear zones; floodplains; wetlands; sole-source aquifers; wild and scenic rivers; explosives and flammable operations; hazards, toxics, and radioactive materials; endangered species; farmland protection; etc.

All CDBG-DR/MIT-funded projects and activities must have documentation that they are in compliance with NEPA and all other environmental requirements.

Program Income

In accordance with 24 CFR 570.489(e)(2), any program income must be spent first on subsequent expenditures. The remaining program income after closeout or generated after closeout will be returned to the Office of Long-Term Resiliency.

Recordkeeping/Reporting/Retention

The County will maintain records documenting compliance with fair housing, equal opportunity, and civil rights requirements. Documentation must be obtained concerning:

1. Employment in each local government operating unit which performs CDBG-DR/MIT funded projects.
2. The local government’s affirmative actions to further fair housing.
3. For direct benefit activities, records relating to persons who have participated in any CDBG-DR funded program.
4. For area-wide activities, information on the area and the services provided and the race and ethnic character of the service area.
5. Race, ethnic character, age, handicapped status, gender of heads of households, and number of elderly citizens benefiting from the project.

6. Race and ethnic character of households and handicapped status of persons displaced as a result of CDBG activities.
7. Actions undertaken to meet Section 3 requirements and the written Section 3 Plan.
8. Information on the racial/ethnic character of each business that receives a contract or subcontract of $10,000 or more paid with CDBG-DR funds, including identification of women-owned businesses.
9. The affirmative actions the local government has taken to overcome the effects of prior discrimination in administering a CDBG-DR funded program.
10. All applications, procurement, vendor contracts, and financial records.

All files, documents, and associated project records shall be retained for a period of six (6) years following the close-out of a CDBG-DR/MIT agreement.

The County shall comply will all the monitoring and report guidelines of Florida Commerce and HUD.

Section 3

It is the policy of Broward County to ensure that economic opportunities generated from U.S. Department of Housing and Urban Development (HUD) funded projects, to the greatest extent feasible, will be directed to low and very low-income persons, particularly those receiving assistance for housing, and the businesses that provide economic opportunities to these persons. The County will utilize its policies with the intent to direct opportunities to local residents and businesses by requesting all contractors and subrecipients to make a good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The County will implement this policy, in accordance with Section 3 of the Housing and Urban Development Act of 1968, through the awarding contracts to contractors, vendors, professional service providers, consultants and suppliers, to create employment and business opportunities for residents and other qualified low- and very low-income persons.

This policy will ensure that, in good faith, the County will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 workers and other eligible persons and Section 3 business concerns working on contracts partially or wholly funded with the HUD monies. The County shall examine and consider a contractor's professional service provider, consultant, or vendor' s potential for success by providing employment and business opportunities to Section 3 workers and business concerns prior to acting on any proposed contract award.

Advertising

The County will follow the cost principles found in 2 C.F.R. 200.421 when expending CDBG-MIT funds for advertising. Such expenditures will be for advertising required citizens' participation

hearing(s), procurement of professional and construction services, and conducting CDBG-MIT required activities that include but are not limited to the promotion of Fair Housing and efforts toward obtaining participation of Minority and Women Business Enterprises and Section 3 businesses or persons.

Website Policy

The County shall publish all applicable public notices, fair housing activities, project contracts, expenditures, and all other documents relevant to their CDBG-DR/MIT funded project to the County's website.

2.3 Affirmative Action

Affirmative Action Purpose and Statement

Broward County is an Affirmative Action Employer. It shall not discriminate in employment practices against any protected class and will affirmatively further employment opportunities for all persons in accordance with federal rules and regulations.

The County will affirmatively further employment opportunities via its Equal Employment Opportunity policy and corresponding Personnel Policies. In addition to non-discriminatory practices in all phases of employment, the County will seek to provide opportunities to minority and women employees and firms in conjunction with CDBG projects.

Affirmative Action Program

In conformance with Executive Order 11246, the County will affirmatively further economic opportunity within CBDG projects through the following:

1. The County and its contractors will take affirmative action to ensure that applicants and employees are treated without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. This includes employment, upgrading, demotion, transfer, recruitment and recruitment advertising, layoff or termination, rates of pay and other forms of compensation, selection for training, and apprenticeship. The County and its subcontractors will post notices setting forth the provisions of this nondiscrimination clause in conspicuous places available to employees and applicants.
2. The County and its contractors will, in solicitations or advancements for employees placed by or on behalf of the County, state that a!! qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
3. The County and its contractors will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint

or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

4. The County and its contractors will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
5. The County and its contractors will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
6. The County and its contractors will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
7. In the event of the County or its contractors' noncompliance with the nondiscrimination clauses of this policy or with any such rules, regulations, or orders, a contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
8. The County and its contractors will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the County or its contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
9. The County and its contractors, having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of its subcontractors to file Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the County and its contractors and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

10. Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of Executive Order No. 11246 of September 24, 1965, or any preceding similar Executive Order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.
11. Whenever the County or its contractors or subcontractors have a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: Provide, that to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the Secretary of Labor as part of its Compliance report and shall set forth what efforts he has made to obtain such information.

The County values diversity in its workforce and will take steps to advertise jobs internally and externally in a manner that will be readily available and accessible to potential candidates regardless of race, color, religion, sex, sexual orientation, gender identity, or national origin.

In situations in which two candidates are equally qualified for a position or promotion, the County may use protected status as a factor in final decision making in the protected status candidate's favor.

Women- and Minority-Owned Businesses (W/MBE)

In accordance with 2 CFR 200.321, the County will take steps to ensure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps will include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- Requiring Prime Contractors, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(l) through (5) of this section.

The County will consult the State of Florida, Office of Supplier Diversity's Certified Vendor Directory to determine local Minority and Women Business Enterprises within Broward and adjacent counties that may be qualified to contract or subcontract on CDBG projects and encourage Prime bidders to reach out to these entities.

"Minority" includes:

I. Black (all persons having origins in any of the Black African racial groups not of Hispanic origin).
II. Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish Culture or origin, regardless of race).
III. Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and,
IV. American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2.4 Anti-Fraud, Waste, and Abuse

Broward County's Fraud, Waste and Abuse (FWA) Policy is established to facilitate the development of internal controls that will provide for the detection, prevention, and reporting of fraud, waste and abuse directed against the County Government.

It is the intent of this policy to:

- Promote awareness of the potential for fraud, waste, and abuse and provide guidelines and assign responsibility for the development of adequate internal controls and systems.

- Ensure compliance with ethical standards, which govern the conduct of employees, vendors, consultants, contractors, and all other outside agencies/parties doing business with County entities.

- Communicate the County's desire to eliminate unethical practices, while creating an environment in which employees and citizens are encouraged and comfortable in the reporting of fraud, waste, or abuse.

Federal and Florida laws protect employees from retaliatory or adverse personnel action for disclosing certain information including, but not limited to, violations of laws, actions which create and present a danger to the public's health, safety, or welfare and suspected acts of ethical violations, fraud, mismanagement, waste and abuse of public funds and positions.

The County Administrator has the primary responsibility for investigation of all suspected inappropriate activity as defined in this policy.

All allegations of fraud involving any federal funds will be investigated immediately after being brought to the attention of the County's Professional Standards Section.

To avoid mistaken accusations or prematurely alerting suspected individuals of an investigation, all inquiries from suspected individuals and their attorneys or representatives should be directed to the HUD Chief Inspector General (CIAO/IG). Contact may be made directly or anonymously.

All county departments/employees are required to comply with the above policy.

Nothing in this directive or policy shall be construed to interfere with, limit, restrict, or otherwise impair the County Administrator or any officials' ability to manage, train, assign, or discipline their employees.

Allegations of fraud must be reported to the County or to the HUD Office of the Inspector General.

Broward County
Professional Standards Section
Phone: (954) 357-6500
Fax: (954) 357-6573
TTY: (954) 357-7888
Email: ProfStandards@broward.org

HUD Office of Inspector General
Phone: 1-800-347-3735
TTY: 1-800-877-8339
Online: Report Form

2.5 Equal Employment Opportunity (EEO) and Civil Rights

EEO

It is the policy of Broward County, Florida, as established by the Board of County Commissioners, to provide equal opportunity in, and equal access to County government employment for all qualified persons regardless race, color, religion, national origin, sex, age, disability, pregnancy, sexual orientation, gender identity or expression, marital status or political affiliation. Broward County government is an equal opportunity employer and no qualified individual with a disability or on the basis of a disability will be subject to discrimination in the recruitment, hiring, training, compensation, promotion, career development, or other employment practices.

It is the policy of Broward County to provide equal opportunity and equal access to County services, programs, activities, and facilities for all qualified individuals with disabilities. In compliance with the Americans with Disabilities Act of 1990, as amended (ADA), no qualified individual with a disability or on the basis of a disability shall be excluded from participation in or be denied the benefits of the services, programs, activities or all aspects of employment of Broward County government.

Retaliation is prohibited: Any person who feels that he/she has been retaliated against for exercising his/her rights under this policy should report such actions immediately to the County Administrator.

The County Administrator aggressively supports Equal Opportunity in employment, programs, services, activities and facilities; and the County maintains Equal Opportunity Action Programs

for women, minorities and persons with disabilities. More information about the County's Equal Opportunity Action plan including the procedure to investigate and resolve complaints of unlawful discrimination or violations of the County Policy may be obtained by contacting:

Professional Standards/Human Rights Section
115 S. Andrews Avenue, Suite 427 Fort Lauderdale, FL 33301
954 -357-6500 (Voice)
954-357-6181 (TTY)

Civil Rights

As a recipient of CDBG funds, the County will comply with federal and state civil rights, fair housing, equal opportunity and equal employment opportunity regulations and requirements. These laws are designed to ensure that members of protected groups are treated fairly by avoiding discrimination, providing equal opportunity, and taking affirmative action to correct past discrimination based on race, color, religion, gender, national origin, age, sex/gender, disability and/or family status.

- **Title VI of the Civil Rights Act of 1964**: This act states that no person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of race, color, or national origin.

- **Section 3 of the Housing and Urban Development Act of 1968, as amended**: To the greatest extent feasible, employment and other economic opportunities should be directed at low- and very low-income persons and business concerns which provide economic opportunities to low- and very low-income persons.

- **Title VIII of the Civil Rights Acts of 1968, as amended (Fair Housing Act)**: This act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin. It also requires HUD to administer its programs in a manner that affirmatively promotes fair housing.

- **Section 504 of the Rehabilitation Act of 1973, as amended**: This act states that no otherwise qualified individual shall, solely by reason of his or her handicap, be excluded from participation (including employment), denied program benefits, subjected to discrimination.

- **Section 109 of the Housing and Urban Development Act of 1974, as amended**: This act states that, under any program or activity funded in whole or in part under Title I or Title II of the act (regardless of a contract's dollar value), no person shall be excluded from participation (including employment), denied program benefits or subjected to discrimination on the basis of race, color, national origin, or sex.

- **The Age Discrimination Act of 1975, as amended**: This act states that no person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of age.

- **Executive Order 11063**: This act states that no person shall, on the basis of race, color, religion, sex, or national origin, be discriminated against in housing (and

related facilities) provided with federal assistance, or lending practices with respect to residential practices when such practices are connected with loans insured or guaranteed by the federal government.

- **Executive Order 11246, as amended**: This act states that no person shall be discriminated against, on the basis of race, color, religion, sex, or national origin in any phase of employment during the performance of federal or federally assisted construction contracts in the excess of $10,000.

- **Equal Access to HUD-assisted or Insured Housing—24 CFR 5.105 (a)(2)(i) and (ii)**: This regulation requires equal access to housing in HUD programs, regardless of sexual orientation, gender identity, or marital status.

- **Chapter 760, Florida Statutes**: Which includes the Florida Civil Rights Act and Fair Housing Act.

2.6 Excessive Force and Barring Entry

As a recipient of CDBG funds, Broward County will adhere to the following provisions of 42 United States Code 5304(1)(1), enacted as Section 104 of the Housing and Community Development Act of 1974 and 42 United States Code 5304(1)(2), enacted as Section 104 of the Housing and Community Development Act of 1974:

1. It is the policy of Broward County to prohibit the use of excessive force by the law enforcement agency within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations in public spaces.

2. It is the policy of Broward County to enforce applicable State and local laws, if those laws exist, against physically barring entrance to or exit from a public facility or public location which is the subject of such nonviolent civil rights demonstration within its jurisdiction with due and proper consideration given to the extent and limits of the County's power and authority to do so.

With respect to excessive force, the Broward Sheriff’s Office is a separate constitutional office responsible for law enforcement activities, including maintaining an excessive force policy. In addition, Broward County shall enforce all applicable State and local laws prohibiting any individual or group from physically barring entrance to or exit from a facility or location that is the subject of a non-violent civil rights demonstration within its jurisdiction. The County Administrator or written designee shall ensure compliance through departmental procedures, and any observed violations shall be addressed promptly through appropriate administrative, legal, or contractual remedies.

This adoption ensures that all law enforcement activities conducted on behalf of the County are consistent with federal requirements and protect the rights of individuals engaged in nonviolent civil rights demonstrations. This policy shall be deemed effective for all activities undertaken with CDBG, CDBG-DR, and CDBG-MIT funds and shall remain in effect unless superseded by a formally adopted policy consistent with applicable federal law.

2.7 Fair Housing

Broward County is committed to refraining from any activity that inhibits the right of an individual or family to housing, including discriminatory practices based on race, color, national origin, religion, sex, familial status, or other protected class.

To the extent applicable, the County will conduct activities in a way that do not violate Title VI of the Civil Rights act of 1964 or Title VIII of the Civil Rights Act of 1968, Section 504 of the Rehabilitation Act of 1973, Section 109 of Title I of the Housing and Community Development Act of 1974, Title II of the Americans with Disabilities Act of 1990, the Architectural Barriers Act of 1968, The Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, or The Violence Against Women Reauthorization Act of 2013.

The County will also conduct activities in compliance with Executive Orders 11063, 11246, 12892, 12898, 13166, and 13217.

The County will promote Fair Housing to the extent feasible alongside its primary healthcare duties. Employees shall not, in their official capacity, engage in housing discrimination against a person or group because of their race, color, religion, sex, national origin, age, pregnancy, disability, sexual orientation, gender identity, or other protected classes.

Discrimination on the basis of race, color, religion, sex, national origin, age, pregnancy, disability, sexual orientation, gender identity or any other protected classes for programs and activities receiving Federal financial assistance is also prohibited.

Any intentional or unintentional conduct of housing discrimination that is based on race, color, religion, sex, national origin, age, pregnancy, disability, sexual orientation, gender identity or any other protected class will not be tolerated and will result in disciplinary action up to and including termination. Retaliation against persons alleging housing discrimination and persons involved in the act or investigation process is prohibited. Except as required by law, employment with the County is "at-will" and the County may terminate employment at any time for discriminatory behavior.

Fair Housing Coordinator

The County Administrator of Broward County shall be the Fair Housing Coordinator unless they designate another individual to fulfill the role.

The Fair housing coordinator shall be available during regular business hours to receive fair housing calls, and their contact information will be published on a quarterly basis in a local newspaper or on the home page of the County website. Contact information is as follows:

Broward County
Housing Finance Division
110 NE 3rd St., Suite #300
Fort Lauderdale, FL 33301
Phone: (954) 357- 4900

The Fair Housing Coordinator will be available during regular business hours - 9:00 AM to 5:00 PM EST - to receive Fair Housing inquiries.

Fair Housing Inquiries

A protocol will exist for registering calls, complaints, and inquiries about County Fair Housing activities and policy. The Fair Housing Coordinator or delegated staff will capture the following information from Fair Housing inquiries:

1. The nature of the call or inquiry;
2. The actions taken in response to the call or inquiry;
3. The results of the actions taken;
4. If the caller was referred to a different entity or agency, the results obtained by the referral agency.

Inquiries and actions taken will be logged.

Fair Housing Activities

The County, led by the Fair Housing Coordinator, will undertake one fair housing activity each quarter. It will not perform identical activities during consecutive quarters.

This policy will be overseen for compliance by the County Clerk.

2.8 Financial Management

The County will maintain and administer a financial management system that complies with all applicable HUD CDBG-DR/MIT and State of Florida rules and regulations, in addition to the provisions of 2 CFR part 200, 2 CFR 200.302, and Section 218.33, F.S.

Allowable Costs

All costs will be reviewed by the Grant Coordinator. All internal costs will be submitted to the Grant Coordinator for review, validation, and resolution of any discrepancies. The Grant Coordinator will also verify that costs are applicable, eligible, and reasonable for the project(s). Any internal costs submitted by the Grant Coordinator must include a description indicating the purpose of the costs. Additionally, all contractor invoicing must be reviewed and approved by the Grant Coordinator for applicability, eligibility, and reasonableness before being forwarded for processing. Once approved, the Grant Coordinator will send a check request to the County's Finance Department for payment.

It is the responsibility of the Grant Coordinator to maintain effective control and accountability for all funds, property, and other assets. The Grant Coordinator will safeguard all assets and ensure that they are used solely for authorized purposes. Any concerns or clarification regarding any costs will be addressed and resolved by the Grant Coordinator before being submitted for formal processing by finance (with department head approval). This includes any costs incurred from other County departments, who may have incurred costs as part of regular administration and implementation of CDBG-DR/MIT funding.

Invoice Payments

Upon receipt of an invoice, the invoice is reviewed for accuracy and verified with receipt of deliverables, if applicable, by the Grant Coordinator. Any needed corrections from the vendor

will be communicated electronically by the Grant Coordinator to the vendor. If no revisions are needed the invoice and supporting documents are forwarded to the County's Finance Department for payment.

Program Income Tracking and Reporting

The County does not anticipate generating program income; however, should program income be generated, the County will track the receipts within its financial records in a separate revenue account and will report the receipts to Florida Commerce as required by the subrecipient agreement.

Timely Expenditure of Funds

Per the Subrecipient Agreement provided by Florida Commerce, all CDBG-DR/MIT funds must be expended within the period of the Subrecipient Agreement. Therefore, all funds must be fully expended within the period of performance, by both parties, of the Subrecipient Agreement, unless extended. However, the County anticipates that Florida Commerce will periodically review the County's progress in drawing down funding through Subrecipient Enterprise Resource Application (S.E.R.A.). The County will review CDBG-DR/MIT expenditures to ensure that funds are spent on eligible costs and in a timely manner. Project funds and schedules will be monitored by the County's Administrator and the County's Grant Coordinator and will be subject to an auditing process through the County's independent audit function.

The County will hold all contractors accountable through the establishment of tasks and other critical milestones. Contractors will be required to provide updated reports concerning expenditure on funds and project progress to the County upon request. The County may require contractors to provide monthly reports. When contracting with vendors, the County will establish certain tasks that must be achieved prior to the release of funding. As a part of their contractual obligations to the County, contractors may be required to present the County with a plan on how they will implement procedures to achieve the determined tasks, which will be set forth in task orders. Each contract with contractors contains provisions for termination of any contract if the contractor is found to be negligent in any aspect of the contract services. In addition to ensuring that contractors meet project timelines, these tasks and task orders will allow the County to project expenditures for each individual project task.

Contractor Payments

To ensure contracts and bills are paid in a timely manner, payments pursuant to a contract will be made in accordance with the Local Govt. Prompt Payment Act, F.S. 218.70-218.80. Invoices shall be for services rendered for the period of the first day of the month through the last day of the month. The contractor shall submit separate invoices, on each task order after each delivery. Invoices shall indicate the task order number and shall be itemized. A copy of the bill of lading, and the freight weigh bill when applicable, should be attached to the invoice.

The County has the option to withhold five percent (5%) retainment per first three (3) payment requests until all work is completed in accordance with executed contracts and work approved by the County. Any retainage will be paid at the project's conclusion and proper approvals. Retainage will be released when the awarded contract has been fulfilled to its fullest and approved by the County.

Tracking Payments

The County will maintain a payment tracker for all projects. The payment tracker will include indicators that identify invoice submission status and date, approved change orders, and total payments by dollar amount. The tracker will be updated as changes to the status of payments, change orders, or invoice submissions occur.

2.9 Conflict of Interest

The County must avoid, neutralize, or mitigate actual or potential conflicts of interest to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the agreement or impact the integrity of the procurement process.

The County shall maintain written procedures covering conflicts of interest and governing the actions of its employees, agents, consultants, and elected officials engaged in the selection, award and administration of vendor contracts, the award of CDBG-MIT assistance, or the management of Federally assisted or purchased property. The Subrecipient must design a policy that is at least as restrictive as prescribed in 24 CFR Part 570.489.

For the procurement of goods and services, no employee, officer, or agent of the Subrecipient may participate in the selection, award, or administration of a vendor contract supported by a federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest arises when the employee, officer, agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in a tangible personal benefit from a firm considered for a vendor contract.

For all other cases, other than the procurement of goods and services, non-procurement conflict of interest provisions is applicable to any person or entity including any benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a Subrecipient Agreement might potentially receive benefits from CDBG-MIT awards.

In such instances (non-procurement), the general rule is that no person/entity described above whom:

- Exercises or have exercised any functions or responsibilities with respect to CDBG-MIT activities.
- Are in a position to participate in a decision-making process; or
- Are in a position to gain inside information with regard to such activities may obtain a financial interest or benefit from a CDBG-MIT-assisted activity, or have a financial interest in any vendor contract, subcontract, or agreement with respect to a CDBG-MIT assisted activity, or with respect to the proceeds of the CDBG-MIT-assisted activity, either for themselves or those with whom they have family or business ties

In addition, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements (See 2 CFR 200.319). For example, an administrative consulting firm that participates in developing or distributing the request for proposals (RFP) may not then submit a proposal in response to that RFP. Some examples of conflicts of interest:

- The same individual or firm has an interest in both a benefitting business identified in the Subrecipient Agreement Performance Statement and any consultant or construction contracts required to complete the project.
- Elected officials voting on awarding funds to organizations where a family member is on the staff or where the elected official is on the Subrecipient's board.
- Local officials entering vendor contracts with companies they are affiliated with through employment of, or ownership by, themselves or their relatives.
- Subrecipient officials or staff who have relatives who may benefit from a Subrecipient's programmatic activities.

If there is any question regarding a potential conflict of interest, the Subrecipient should contact the Office of the County Attorney.

2.10 Procurement Policies and Procedures

Broward County's Purchasing Division is responsible for establishing and administering purchasing policies; initiating reports necessary to permit analysis of purchasing performance; and the analysis and comparison of prices paid for inventory materials. The purchasing Department provides purchasing assistance to all the departments under the Board of County Commissioners and assists any constitutional office that requests assistance in purchasing.

The County's procurement policy can be found here: Chapter 21 – Operational Policy, Procurement Code, Finance and Administrative Services Department.

2.11 Quality Assurance / Quality Control

Broward County developed this Quality Assurance/Quality Control (QA/QC) Plan to ensure Department of Commerce (COMMERCE), Housing and Urban Development (HUD), and Community Development Block Grants (CDBG) are administered and expended in compliance with program requirements and federal, state, and local standards and guidelines. The Plan will reduce risks of COMMERCE, HUD, and CDBG program non-conformance. To achieve these objectives, Broward County will:

1. Exercise impartial, unbiased professional care when completing QA/QC reviews.
2. Exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information, findings, and conclusions about the processes and the data being examined.
3. Ensure a balanced assessment of each project review by not being unduly influenced by their own interests or by others in forming judgements.

The County's QA/QC policy was developed to outline a formal process to identify potential compliance issues and risks and implement best practices for the administration of COMMERCE, HUD, CDBG programs and grants. More specifically, this plan will assist the County in complying with program monitoring requirements and the County will:

a. Perform document file reviews and utilize data collected during the monitoring/desk review process to improve program compliance, processes, and procedures. This includes internal and external reviews.
b. Confirm that program expenditures are eligible based on grant agreements (including agreement attachments and the Scope of Work), applicable state and federal laws, and COMMERCE, HUD, and CDBG program guidelines and regulations.
c. Report exceptions and concerns to reduce COMMERCE, HUD, and CDBG monitoring concerns, findings and/or recapture.
d. In the event compliance issues are identified, initiate corrective actions, and implement program controls as necessary in a timely manner.
e. Review continually for improvement using QA/QC Plan data and monitoring findings to improve program processes and procedures.
f. Ensure all expenditure and procurement procedures comply with COMMERCE, HUD, CDBG, 2 CFR 200, and other applicable federal, state and local standards and requirements.
g. The QA/QC Plan will be updated annually (or as so needed) to ensure continuous improvement to COMMERCE, HUD, and CDBG programs and the administration thereof.

The QA/QC review team will include but not be limited to County Administrator; grants staff, engineering staff (if applicable); finance department; and any other staff and/or department who may be directly involved in the project. In the unlikely event a serious finding or repayment is required of federal funds, the Board of Commissioners and the County's legal counsel will be included to resolve the non-compliance conflict and/or issue and take corrective action.

Grants administrative staff will develop and complete a quarterly report for all open COMMERCE/HUD/CDBG grants which shall identify and include the following:

1. The number of observations, concerns, findings and exceptions found
2. The number of follow-up reviews for observations and concerns
3. A summary of exceptions/material exceptions, and exceptions corrected
4. Any additional controls implemented to mitigate further risk
5. Comparison of the reporting quarter's findings and performance to previous quarters for program management, QA/QC review team to assess grant program implementation, administration, and management over of the time of the grant period.
6. Any pending corrective action and development of Corrective Action Plan (CAP) if applicable.

QA/QC STRATEGY

Phase l: Pre-Construction

Phase l of the review process will ensure that all pre-construction requirements are met prior to the start of any form of construction, work, or issuance of a Notice to Proceed (NTP) and/or any element of the actual construction or other work. Areas to be reviewed for compliance include:

1. All Environmental Reviews, Tribal, and Department of State Clearances and Reviews and any other applicable studies or requirements are completed and obtained.
2. All Procurement and bidding processes are completed with all applicable guidelines, requirements, and standards. This includes all construction and professional services contracts.
3. Ensure all recipients of funding and/or funding assistance are duly qualified.
4. Review construction contracts to ensure they fully comply with grant contract terms and conditions as well as federal, state, and local regulations and standards.
5. Ensure all staff, subrecipients and individuals and/or firms issued contracts understand their roles and responsibilities related to the project.
6. Ensure grant funds are properly set aside and budgeted for project expenditures.

Phase II: Construction

Phase ll ensures that the construction phase is implemented in accordance with the requirements of COMMERCE, HUD, and CDBG programs and the construction and/or professional service contract(s). Areas to be reviewed for compliance include but are not limited to project status reports; change orders are not issued without proper documentation and Board approval; all invoices are reviewed and abide by the County's approval process; Davis-Bacon and related Acts and federal prevailing wage standards are adhered to (if applicable).

Phase III: Post Construction

When the project and/or construction is complete, a QA/QC review will be conducted to ensure that all paperwork and documentation related to the project is completed prior to final payment being made to the contractor and/or firms contracted to complete the project. Areas to be reviewed will include but not be limited to compliance include:

1. If Changes Orders are issued, ensure all work is completed as per the Change Order.
2. Final inspections of project. If any "punch list" changes are required and/or requested, ensure these items are complete.
3. Review all final invoices and ensure all final invoices submitted are within the terms of all contractual agreements.
4. Reconciliation of budget to ensure all expenditures comply with budgeted line items as approved by the Finance Department.

Phase IV: Project Closeout

Prior to final project close-out, a final QA/QC review will be conducted. Areas to review for compliance will include but not be limited to:

1. Final review of all invoices related to the project.

2. Final cost reconciliation to ensure all costs comply with all contracts and per grant agreement budgets and approved expenditures.

3. Preparation and submission of final reports to COMMERCE, HUD, CDBG, or appropriate funding agency.

Findings/Reporting/Issue Resolution Process

In the event the QA/QC review team should note a finding in the review process which could result in non-compliance it will be reported to the County Administrator immediately. All initial findings should be validated by a secondary QA/QC review. Findings (exceptions) shall be classified according to their potential impact on the outcome of COMMERCE, HUD and CDBG Program/Project requirements. The classifications shall be as follows:

A. Observations/Concerns: Findings that DO NOT impact the outcome of the program/project but require resolution.

B. Findings/Material Exceptions: Findings that ARE likely to result in a COMMERCE/HUD/CDBG finding, impact the program/project outcome, do not conform to program/project requirements and sanctions, and monitoring findings that may require repayment of federal funds.

Validated compliance issues and concerns will be addressed and resolved immediately, and corrective action taken. In the event the finding has a direct impact on COMMERCE, HUD or CDBG program compliance and/or may require the repayment of federal funds, the appropriate funding agency will be contacted immediately. Contact staff as per funding agency grant agreements (or otherwise assigned designees) will be the initial individual contacted. All concerns to COMMERCE, HUD, CDBG, or other appropriate fund agencies will be made in writing by the County Administrator's office.

The County will take immediate corrective action as per recommended and agreed to with the appropriate funding agency. A Corrective Action Plan (CAP) will be developed and strictly adhered to and enforced for all Finding/Material Exceptions that are systemic in nature. The County's QA/QC review team will follow up on identified compliance issues, ensure all elements of corrective action plans are complied with, and update or implement additional program controls if so needed. Written reports on follow up will be provided monthly to the Board of Commissioners and appropriate agencies if so needed. Each compliance issue and required corrective action will be addressed individually to ensure complete compliance of project and grant program and contract requirements. The County will maintain a complete and accurate record of all internal findings, and corrective actions taken with the grant agreement files and will maintain as per the terms of grant agreements. Copies of all monitoring reports and/or findings made by COMMERCE, HUD, CDBG or other appropriate funding agencies will also be maintained on file. It will be the responsibility of the County to ensure contractors and vendors meet all requirements and the corrective actions required are completed before any final payments and/or project closeout are completed.

2.12 Uniform Relocation Act (URA)

The Uniform Relocation Act establishes minimum standards for federally funded programs/projects involving the displacement of persons from their homes, businesses, or farms

due to acquisition, rehabilitation, demolition, or any other reason which may permanently or temporarily displace someone involuntarily as a result of undertaking a federally funded project.

In the event a federally funded CDBG project requires acquisition and or relocation of a residential tenant, the County would comply with the requirements, policies, and waivers related to the URA established in this policy, should the need arise.

URA Requirements

Under the Uniform Relocation Act (URA) displaced persons are eligible to the following benefits:

- Advisory services
- Offer of a comparable replacement unit
- Replacement housing payments
- Moving expenses

In addition to being required by law, relocation advisory services are very important to completing a successful relocation. Relocation advisory services will be provided to all eligible displaced persons. Key advisory services include:

- Determining the needs, preferences, and eligibility of displaced persons;
- Explaining available relocation assistance
- Relocation claims assistance
- Explaining a person's right to appeal
- Providing current and ongoing listings of comparable dwellings or residential displacements and replacement sites
- Supplying information on other federal and state programs offering assistance
- Providing counseling and other assistance to minimize hardship in adjusting to relocation
- Provide information concerning the full range of housing opportunities within the local housing market

The County will also aid in identifying and resolving personality/realty issues prior to or at the time of the appraisal of the property. A storage allowance of up to $150 will be provided to each family unit displaced if storage is necessary and essential to the move, and a moving allowance of $300 will be provided for each family unit displaced. This allowance will be provided in two payments of $150 on moving out and moving in. No person will be discriminated against based upon age, race, color, religion, sex, handicap, familial status, national origin, genetics, or presence of children in the households.

As part of the displacement benefits, Broward County will ensure the relocation office is convenient for public transportation or within walking distance of displaced persons. In addition, the office will be open during hours convenient for the displaced person, including evening hours when necessary.

Under the URA, the term "displaced person" means:

a) A person who moves permanently from the real property after the property owner (or person in control of the site) issues a vacate notice to the person, or refuses to renew an expiring lease to evade the responsibility to provide relocation assistance, if the move occurs on or after:
    1. The date the Subrecipient submits a project application for CDBG-DR funds for the project that is later approved, if the Subrecipient has site control; or,
    2. The date the Subrecipient obtains site control if that occurs after the project application is submitted and approved.
b) A person who moves permanently from the real property after the initiation of negotiations, unless the person is a tenant who was issued a written notice of the expected displacement prior to occupying the property (otherwise known as a "Notice of Eligibility for Relocation Assistance").
c) A person who moves permanently and was not issued a Notice of Non-displacement after the application for CDBG-DR funds is approved.

If any buyout properties with renters or tenants are deemed eligible for relocation assistance, the County will provide assistance to the renter(s) occupying the property. As a displaced tenant under URA, a tenant is eligible to receive two types of assistance: Moving Assistance and Replacement Housing Assistance. The Moving Assistance can be an actual reasonable moving and related expenses reimbursement or a fixed payment for moving expenses determined by a schedule published by the Federal Highway Administration. The Replacement Housing Assistance can take two forms: Rental Assistance or Down Payment Assistance. If the displaced tenant chooses to continue to rent a dwelling, the award amount they are eligible for is 42 months times the difference in rent/utilities of their current rent and their replacement dwelling (including lot rent, if a mobile home unit). Rental Assistance is capped at $4,500 for 90-day occupants, except in situations where housing of last resort applies. Another option is for the displaced tenant to purchase a new home and receive a lump sum Down Payment Assistance. If the displaced tenant elects to receive a lump sum Down Payment Assistance, their award cannot exceed what they would have been eligible for had they continued to rent a unit.

Tenants seeking assistance with moving expenses must complete Form C-25 - Residential Claims for Moving and Related Expenses. This form will be made available by the County.

Uniform Relocation Act Purpose

When undertaking a program funded through the U.S. Department of Housing and Urban Development (HUD) which may result in the relocation of persons from their current residences, these programs may result in tenants renting a portion of an owner-occupied unit being displaced as properties are acquired by the County for demolition, clearance, and conversion to open space. The properties are being voluntarily sold to the County by the property owners;

however, some properties contain residential rental units making the tenants eligible for assistance under the Uniform Relocation Act of 1970.

Broward County will provide or oversee, whichever is applicable, relocation assistance for lower-income tenants who, in connection with a federally assisted activity, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower income dwelling unit in accordance with the requirements of 24 CFR 24.350. A displaced person who is not a lower-income tenant will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulation at 49 CFR Part 24.

The County understands that it must provide options for assistance to those who may be involuntarily displaced from their current residence due to programs or projects funded by HUD. The process for relocation assistance for persons displaced by the CDBG-DR/MIT programs will include the following:

- Identification of Tenants to be Displaced
- Notification to Tenants of Impending Displacement
- Notification of Availability of Assistance
- Application Review
- Work with Tenants to be Displaced
- Temporary Relocation
- Permanent Relocation
- Record Keeping

URA Duplication of Benefits

No person will receive any payment for Relocation benefits under these regulations if that person receives a payment under Federal, state, or local law which is determined to have the same purpose and effect as such payment under these regulations. The County is not required to conduct an exhaustive search for such other payments, only to avoid creating a duplication based on the County's knowledge at the time the payment is computed.

Identification of Persons to be Displaced

Broward County will keep records of all residential structures which contain rental units containing tenants who may require relocation assistance under CDBG-DR/MIT programs. Name and contact information for current tenants will be collected during the application phase. Contractors or program staff will then work with property owners to identify those properties containing tenants who will be displaced. Records documenting the properties and persons requiring assistance must include the following:

- Property address
- Unit identification if applicable

- Number of rooms in unit
- Name of property owner (applicant}
- Number of male and female adults in family; number of children by age and sex
- Property type (single detached, multi-family, etc.)
- Monthly rent
- Names of all persons residing in the unit at the time of displacement
- Names of all persons seeking relocation assistance
- Certification of legal residency for all persons seeking assistance

Notifications to Tenants

Program staff will notify all tenants who may be displaced by providing them with materials informing them of the benefits and services available to them. Tenants residing in the structure at the time that negotiations are initiated between the homeowner and the County will be notified of the relocation program and are fully eligible for assistance (see§ 24.2(a)(15)(i) and (ii) and§ 24.2(a)(15)(iv). Program staff will be in contact with all the tenants affected by CDBG-DR programs to discuss their needs. The documents provided to the tenants will, at the least, provide a general description of the relocation program including the following:

1. Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

2. Indicates that any person displaced will be given reasonable relocation advisory services including housing referrals, help in filing payment claim(s), and other necessary assistance to help the person successfully relocate.

3. Inform any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available to the displaced person. No person will be required to move without at least 90 days’ advance notice.

4. Describes the person's right to appeal the County's determination as to eligibility for or the amount of any relocation payment for which the person is eligible. It also describes the person's right to disagree with the County's determination of whether the person qualifies as a "displaced person."

Tenants will also be provided with an application for assistance for relocation costs. This application will act as the official request for relocation assistance. Tenants who choose not to complete the application will not be eligible for relocation assistance.

Application Review

Applications will be reviewed by program staff and information provided by the tenants for their case files will be evaluated to determine the tenant household's housing needs. Program staff providing relocation services will communicate with each household to be displaced to determine the household's relocation needs and preference and explain the relocation payments and other assistance for which the household may be eligible, the related eligibility requirements, and the procedure for obtaining such assistance.

Program staff processing applications will need to gather data to help provide information on the estimated number of households to be displaced, including the family characteristics (e.g., minority, ethnic, handicapped, elderly, large family, income level). Information should be gathered to allow for the comparison of available decent, safe, and sanitary housing in the area with the housing needs of the tenants being displaced. The comparison should include (1) price ranges, (2) sizes (number of bedrooms), and (3) types of housing single-family, multi-family, mobile home etc. Any information on special relocation considerations should also be gathered and evaluated, such as the presence of elderly or disabled or children attending school. Program staff will make every effort not to relocate households in areas resulting in children being forced to change schools unless otherwise requested by the displaced household.

Work With Tenants to be Displaced

Program staff will work with tenants to identify comparable replacement dwellings within a 30-mile area of their current dwelling. A comparable replacement dwelling includes the following:

1) Decent, safe, and sanitary (DSS) which means a dwelling which meets applicable housing and occupancy codes. However, if any of the following standards are not met by an application code, such following standards shall apply, unless waived for good cause consistent with federal regulations. The dwelling shall:

    a) Be structurally sound, weather-tight, and in good repair.
    b) Contain a safe electrical wiring system adequate for lighting and other electrical devices.
    c) Contain a heating system capable of sustaining a healthy space for a displaced person, except in those areas where local climatic conditions do not require such a system.
    d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced household. There shall be a separate, well-lit and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

e) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
f) Displaced tenants who are handicapped must have access to a unit which is free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

2) Functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, reasonable trade-offs for specific features may be considered when the replacement unit is "equal to or better than" the displacement dwelling (see Relocation Manager for guidance).

a) Adequate in size to accommodate the occupants.
b) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities and is reasonably accessible to the person's place of employment.
c) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, and greenhouses.
d) Currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.
e) Within the financial means of the displaced person.

3) A replacement dwelling rented by an eligible displaced person is within his or her financial means if, after receiving rental assistance under this rule, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling.

4) For a displaced household who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if the Uniform Relocation pays that portion of the

monthly housing costs of a replacement dwelling which exceeds thirty percent (30%) of such person's gross monthly household income or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities, the total of the amounts designated for shelter and utilities. Such rental assistance must be paid under Section XVIII, Housing of Last Resort.

5) All displaced persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred by program staff. In addition, program staff will assist with the following items:
    a) Provide current and continuing information on availability, purchase prices, and rental costs of comparable and suitable commercial and farm properties and locations. They will assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement relocation.
    b) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.
    c) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs aiding persons to be displaced.
    d) Provide referrals to appropriate agencies for displaced persons requiring social services, food stamps etc.
    e) Provide each expected displaced person with a Relocation Assistance Brochure.

6) Moving costs associated with moving personal property from the existing dwelling unit to the new dwelling unit are eligible for relocation compensation.

7) If a displaced tenant otherwise qualifies for the replacement housing payments except that they have not yet purchased or occupied a suitable replacement dwelling, the Contractor will inspect the proposed dwelling. If the proposed dwelling is found to meet the standards set forth for decent, safe and sanitary dwellings, the displaced tenant can submit a request for payment of the specific sum provided they purchase or occupy the inspected dwelling within the time limits specified.

Temporary Relocation

In cases where suitable long-term housing can't be immediately identified and secured, temporary housing arrangements may need to be secured. The housing arrangements and facility must meet all the housing criteria required under Uniform Relocation except that it is functioning as a temporary housing solution until a more permanent solution can be identified.

This may include, but not be limited to, the utilization of hotels for temporary housing. In such cases, the facility must be agreeable to the household residing on-site for an extended period.

Permanent Relocation

Any comparable dwelling which allows the displaced tenant and their household to reside in the facility for one year or more is a permanent relocation site. Displaced tenants and their households are eligible for two types of assistance under URA: Moving Assistance and Replacement Housing Assistance (Rental Assistance or Down payment Assistance).

Moving Assistance will be calculated using the fixed moving expenses method and are eligible for a moving claim reimbursement. Once a tenant has relocated to the replacement dwelling, contractor or program staff will assist the tenant in submitting form HUD 40054 to the County for the reimbursement. The County may advance a portion of the relocation claim to cover necessary expenses, such as application fees, security deposits or first month's rent.

In standard protocol, one payment will typically be processed for Moving Assistance. However, there may be specific cases where a displaced tenant requires two payments for Moving Assistance: 1) advance payment for necessary upfront costs and 2) the remaining amount of their moving costs.

In determining Rental Assistance per URA HUD regulations, if the total gross monthly household income qualifies as low income according to the URA low Income limits, the County must compute 30% of the monthly household income and use it as one of the factors for comparison in the base monthly rental determination. The monthly base rental represents the amount the County will use as the rental amount for the displacement unit. The County will look at the lesser of three items:

- The total amount for current monthly rent plus average monthly utilities
- If the displaced person meets the low-income criteria, the agency will compute 30% of the person's average monthly gross household income
- If the displaced person's rent is paid through a state welfare program that designates an amount for shelter and utilities, then that amount is considered, e.g.: shelter, utilities designation, etc.

If the tenant is low income, the lesser of the three will be used to compare against present rent (and utilities) of market rent. If the tenant is not low income, the URA eligibility amount is the difference between the present rent (plus average utilities) and the replacement dwelling rent (plus average utilities) across 42 months.

Per HUD regulations, Rental Assistance is to be dispersed to the displaced tenants in three installments, rather than one lump sum. However, if a tenant will be using URA assistance to purchase a home, the Down Payment Assistance is allowed to be dispersed in one lump sum to reduce or eliminate hardship. Rental Assistance payments will be dispersed from the County to

the displaced tenant every 14 months; 3 installments over 42 months. The first installment can be processed once the tenant has signed a year lease with the replacement dwelling landlord/property management company, moving has commenced and HUD Form 40058 is submitted.

To prompt the Rental Assistance payments for each tenant, a contractor or program staff will submit a payment plan (Payment Authorization Form) to the County to help schedule the payments to the displaced tenants. The Contractor will also receive and submit the displaced tenant's W9 to the County. Once the household has signed a legally binding rental agreement, such as a lease, or has obtained ownership of a property, evidenced by a deed to the property, the household will be considered successfully relocated and further relocation services, outside of follow-up support services, will no longer be available to the tenant.

URA Record Keeping

Contractor or program staff will be responsible for maintaining all files and documentation for displaced tenants. This includes, at a minimum, identification of tenants who were not assisted with relocation services. Tenants that were successfully assisted or that began the process for assistance services, but later terminated activities on their own accord must also have files, which include the information identified in this document as well as their completed application. All data identifying comparable dwelling units must also be maintained in addition to any payment requests, evidence of payments made on behalf of the tenants, identification documentation and HUD forms. All files must be secured to protect the privacy of those persons and their households.

Appeal Process URA

Any person(s) has a right to submit an appeal to the County if they disagree with the Moving Assistance eligibility amount, the Rental Assistance eligibility amount, or the determination from the County of whether a person(s) is qualified as displaced.

If a person(s) wishes to appeal their Rental Assistance eligibility amount, they can notify the County of their wish to appeal the amount of the assistance. In such a case, the County will re-review the assistance calculations for any potential errors and respond within 15 days of receipt. If no errors are found, they will re-present the amount of rental assistance to the tenant. If a tenant continues to not agree, the County will allow the tenant to submit up to three comparable dwellings they find more compatible with their needs, under URA regulations, and submit to the County for determination to recalculate eligibility determination. If the person(s) is considered low income, and continues to disagree with the County's final decision, they may submit an official appeal to the HUD Field Office.

If a tenant finds their Moving Assistance insufficient, a tenant can ask for and receive local bids from moving companies to submit to the County, seeking additional assistance. The County decision will be determined within 15 days of receipt. If the person(s) is considered low income,

and continues to disagree with the County's final decision, they may submit an official appeal to the HUD Field Office.

If a person(s) disagrees with the County's determination of whether they qualify as a "displaced" person(s) or household, the person(s) can submit an official claim to the County seeking an appeal of the determination, submitting any supporting documentation they see fit. The County decision will be determined within 15 days of receipt. If the person(s) is considered low income, and continues to disagree with the County's final decision, they may submit an official appeal to the HUD Field Office.

2.13 Cybersecurity/Data Privacy

County employees, contractors, volunteers, and agencies are expected to follow the County's CAPP policies and procedures. County IT standards developed (based on County and external audit recommendations, the NIST Cybersecurity Framework, and industry best practices) are administered by ETS.

The County shall implement safeguards to protect all personally identifiable information (PII) and sensitive project data collected during CDBG-MIT activities. This includes:

- Secure storage of digital records using encrypted systems.
- Restricting data access to authorized personnel only.
- Complying with applicable federal and state data privacy standards.
- Training all grant management and administrative staff on data protection protocols.

2.14 Subrecipient Training and Technical Assistance

The County shall provide technical assistance to all subrecipients of CDBG-MIT funding, upon request. Technical assistance shall include:

- Compliance with 2 CFR 200, 24 CFR 570, URA, Section 3, Davis-Bacon, and NEPA regulation, as necessary.
- Guidance on reporting requirements, recordkeeping and cost eligibility.
- Orientation on anti-fraud, waste, and abuse policy.
- Expectations for fair housing, EEO, and ADA compliance.

Training will be updated annually or as guidance changes and documented in the grant file for each recipient.

2.15 Appendices

Appendix I - Federally Funded Contracts Requirements

Appendix II - Broward County Procurement Policy

2.16 Approval Dates

Effective Date: 06/10/2025

Date Last Reviewed: 5/28/2025

Date Due for Review: 06/10/2027

2.17 Policy Author

Grants Section/Grants Administrator