

Boulder County Collaborative Appeal Procedures for Partners Implementing CDBG-DR Programs

Who Can Appeal

Any local jurisdiction or special district that has a project active in the Boulder County Collaborative. The Boulder County Collaborative (BCC) includes the following partners and special district:

- Boulder County
- City of Boulder
- City of Longmont
- City of Louisville
- Town of Jamestown
- Town of Lyons
- Town of Nederland
- Lefthand/St. Vrain Water Conservancy District

What can be Appealed

The City of Longmont, as Lead Agency for the BCC, is responsible for approving project funding prior to submitting project costs to the State for reimbursement. The BCC may determine a project or a project cost ineligible on the following basis:

- Cost or activity does not meet Federal statutory compliance. Some examples include costs where procurement does not meet Federal requirements under 2 CFR 200; activity does not comply with the Uniform Administrative Requirements (URA); or National Environmental Protection Act (NEPA) has not been followed in compliance with HUD requirements.
- Cost or activity is not eligible under CDBG regulations found at 24 CFR Part 570. The CDBG regulatory requirements must be followed unless modified, waived, or altered by a Federal Register notice that allocates the funds.
- Cost or Activity is not eligible per the Federal Register notice allocating the funds. The Federal Register(FR) notices provide additional or altered requirements for CDBG-DR funds. All CDBG-DR funds must comply with the conditions placed on the funds as allocated by the FR including an ability to show a direct impact from the 2013 flood.
- Costs or Activity does not comply with Federal, State or Local Policy and Procedures. The BCC is a sub-grantee to the State of Colorado for administration of its CDBG-DR funds. In general, the State of Colorado and its sub-grantees/sub-recipients must meet all Federal regulatory requirements for use of the CDBG-DR funds. The State may also develop policies that are more stringent than the Federal requirements. If the State requirements are more stringent, then they must be met. BCC Partners are local governments that are sub-recipients for the CDBG-DR funds. Partners must meet the Federal and State requirements (whichever is more stringent) and comply with their own local policies. Local governments can also be more stringent than State or Federal requirements.

Requesting an Appeal

If you believe the BCC's determination of an ineligible project or cost has been made in error, an appeal request can be made to the Appeals Committee. The Appeals Committee will include representation from Boulder County Collaborative management team (City of Longmont) and the Colorado Department of Local Affairs.

You must appeal your ineligibility determination within 15 days of notification of the ineligible project or cost. Notification may be made through the Salesforce QC system or other written means of notification (preferably email). After 15 days, the status is considered final and can no longer be appealed.

Where to Send Your Appeal

Appeals should be sent to the Boulder County Collaborative CDBG-DR Program Manager at kathy.fedler@longmontcolorado.gov. Please put "ATTN: APPEALS COMMITTEE" in the subject line.

Instructions for Requesting an Appeal

If you choose to formally appeal, you must submit your appeal in writing to the Appeals Committee within 15 days from the date of your notification of an ineligibility determination along with documentation to support your appeal. A formal appeal related to your project application or award can include more than one issue for consideration or review but must be submitted as one appeal. A copy of the BCC's determination of ineligibility should be included. Only communication that is submitted in writing to the Appeals Committee will be accepted. A determination on the appeal will be made within 30 days after any requested additional documentation is submitted.

Please use the attached Request for Appeal forms.

Appeals Process

1. Officially submit appeal in writing to the Appeals Committee (electronic submission preferred).
2. The appeal will be logged on date of receipt.
3. The BCC CDBG-DR Program Manager or designee will review the file, make a recommendation and schedule a hearing for the Appeals Committee.
4. During the review, the appellant may or may not be contacted for further information.
5. The appeal and supporting documentation will be provided to the Appeal Committee that includes:
 - The DOLA CDBG-DR Director or his designee
 - The BCC CDBG-DR Program Manager or her designee
 - Other BCC staff, DOLA staff or subject matter experts as appropriate.
6. The Applicant will be notified in writing of the Appeal Decision by BCC within 30 days after any requested additional documentation is submitted.

Attachments:

1. Formal Appeal Request Form
2. Appeal Committee Decision Form