1 INTRODUCTION

1.1 CHAPTER 1, RECORD OF CHANGES

CDBG Administration Manual – Chapter 1, Introduction.

Version	Description of Change	Chapter	Section
2011			
1.0	CDBG Policy Memo 11-01: Information Required on Invoices for CDBG General Administration Costs	Chapter 12	
2013			
1.0	CDBG Policy Memo 13-01: CDBG Financial management Policy Change	Chapter 12	
	CDBG Policy Memo 13-03: CDBG Financial Management Policy Change	Chapter 12	
2014			
1.0	The 2 CFR 200 Uniform Guidance was published in the Federal Register; applies to awards on or after 12/26/2014. • *Replaces OMB A-133 – Audits of States, Local Governments, and Non-Profit Organizations* *Replaces OMB A-87 – Cost Principles for State, Local, and Indian Tribal Governments*	Chapter 2	
	DED Policy Memo 14-01: Sub Recipient Guidelines on CDBG Limited English Proficiency Access Requirements	Chapter 5	
	DED Policy Memo 14-02: System for Award Management (SAM) & Community Development Grant Policy Update	Chapter 7	SAM.gov
	Federal awards made prior to December 26, 2014 will continue to be governed by the regulations in effect and codified in 24 CFR part 85 (2013 edition) or as provided by the terms of the Federal award. Where the terms of a Federal award made prior to December 26, 2014, state that the award will be subject to regulations as may be amended, the Federal award shall be subject to 2 CFR part 200.	Chapter 12	
2015			
1.0	CDBG Policy Memo 15-01: Draw Down Source Documentation for CDBG Projects	Chapter 12	Source Documentation
2016			
1.0	DED Policy Memo 16-02: Construction Management Activity (new activity)	Chapter 2 Chapter 3	Supporting Project Cost
	DED Policy Memo 16-01: Recapture of Net Proceeds from Sale of Homebuyer and Homeowner Projects	Chapter 12	
2017			
1.0	CDBG Policy Memo 17-02: Drawdown Source Documentation for CDBG Grants	Chapter 12	Source Documentation
	Ded Policy Memo 17-01: Semi-Annual Project Status and Compliance Report	Chapter 13	Reporting

Version	Description of Change	Chapter	Section
2018			
1.0	DED Policy Memo 18-02: SAM and Federal Debarment, Suspension, and Ineligibly	Chapter 7	Sam.gov
	As of May 2018, the Catalog of Federal Domestic Assistance (CFDA) was integrated to the Assistance Listing Number (ALN).	Chapter 5 Chapter 15	SAM.gov
2019			
1.0	Department of Environmental Quality (NDEQ) merged with Nebraska Energy Office to form Nebraska Department of Environment and Energy (NDEE)		
	DED issued Policy Memo 19-03: Program Income and Revolving Loan Fund Updates, including Technical Assistance and Guidance for Re-purposing, Definition of an Idle Account, and Repayment Instructions	Chapter 8	Program Income
	DED Policy Memo 19-01: LMI Summary Data Updates, Including Income Survey Methodology and Use	Appendix 1	Income Survey
2020			
1.0	On March 27, 2020, the Coronavirus Aid, Relief, Economic Security Act (CARES Act) made available CDBG Coronavirus Response (CDBG-CV) funds. These funds are used to prevent, prepare for, and respond to coronavirus. The CARES Act authorized the use of a waiver for the State to provide services directly as identified within the Federal Register Docket No. FR-6218-N-01 (https://www.federalregister.gov/d/2020-18242/p-102). Refer to the 2019 Annual Action Plan Substantial Amendment to learn more on the allocation of CDBG-CV funds.	Chapter 2	2019 Annual Action Plan; 2020 Application Guidelines
	DED removed Program Leverage. Leverage was an aspect of the CDBG program in prior years. Program Year 2018 (July 1, 2018 – June 30, 2019) was the last year that DED incorporated and allowed leverage within the method of distribution of CDBG funds.	Chapter 2 Chapter 12	Matching Requirements/Other Funds; Final Reports
	DED Implemented Duplicate of Benefits Policy	Chapter 3	Special Policies for Activities
	Four Factor Analysis template incorporated into application starting July 1, 2020.	Chapter 5	Application Guidelines
	HUD published a final rule updating requirements related to Section 3 of the Housing and Urban Development Act of 1968, as amended. The final rule was published on September 29, 2020, and became effective on November 30, 2020. Section 3 projects with commitments made before November 30, 2020, must continue to comply with the previous Section 3 requirements of 24 CFR part 135. Section 3 projects with commitments made on or after November 30, 2020, are subject to 24 CFR part 75.	Chapter 5 Chapter 7 Chapter 13	Section 3
	2018 International Energy Conservation Code per §72-804-§72-806 Neb. R.R.S. This went into effect July 1, 2020.	Chapter 5	International Energy Conservation Code
	HUD CPD 20-07: Guidance on conducting environmental reviews pursuant to 24 CRF Part 58 for activities undertaken in response to the public health emergency as a result of COVID-19	Chapter 6	

Version	Description of Change	Chapter	Section
	• *Hard copy of Request Release of Funds Certification (RROF) is no longer required to be submitted.* *DED Policy: RROF is uploaded in the GMS ERR Custom Form as an attachment, or RROF can be submitted to your Program Representative in an email (to establish a set date of receipt).*		
	OMB Memorandum 18-18: Federal Acquisition Regulation: Increased Micro-Purchase and Simplified Acquisition Thresholds: MPT to $10,000 & SAT to $250,000	Chapter 7	Simplified Acquisition Threshold (SAT)
	DED Policy: As of June 30, 2020, generally no new Housing RLFs will be approved by DED.	Chapter 8	Revolving Loan
	DED Policy: For grants awarded prior to the 2020 program year, DED required the original signed "CDBG Request for Funds" form to be submitted to DED. Beginning with 2020 program year grants, all "CDBG Request for Funds" forms were submitted electronically within the GMS. In August 2021, all CDBG Subrecipients were directed to submit electronically the "CDBG Request for Funds" forms and source documentation within the grant management system.	Chapter 12	Payment Request
	DED Policy: Previously the "CDBG Request for Funds" form was required to be submitted to DED with wet signatures by the subrecipient authorized individuals. With the implementation of the GMS, subrecipients are required to upload an electronic version and retain the original within their records.	Chapter 12	Payment Request
2021			
1.0	DED removed The Municipal Equalization Fund (MEF) as an application scoring criteria. This aid formula provided a way of looking at needs and resources while at the same time ensuring that local governments provide a level of local resources. MEF was created in 1996 as a needs-based method of providing state aid to cities. The program is administered by the Nebraska Department of Revenue, with data provided by the Department of Revenue's Property Assessment and Research Divisions, and the Nebraska Auditor of Public Accounts.	Chapter 2	Application Guidelines
	CPD-21-09: HUD Final Rule, Enhancing and Streamlining the Implementation of Section 3 Requirements for Creating Economic Opportunities for Low- and Very Low-income Persons and Eligible Businesses	Chapter 9 Chapter 13	Section 3
	DED Policy: Federal Funding Accountability & Transparency Act (FFATA) submission change from submission in application Exhibit L to submission during Special Conditions	Chapter 5	Special Conditions
	DED Policy: DocuSign was incorporated into DED procedures in November.	Chapter 5	
	CDBG Policy: DED extended the subrecipient agreements from 24 to 30 months.	Chapter 5	CDBG Agreement

Version	Description of Change	Chapter	Section
	CDBG Policy: DED implemented listing all CDBG grants funded during last (10) years and the Fair Housing actions that were proposed and/or completed during that time.	Chapter 5	CDBG Agreement & Fair Housing
	DED Issues Policy Memo 21-02: Procurement and Conflict of Interest	Chapter 7	Procurement
	DED Issued Policy Memo 21-01: Section 3	Chapter 9 Chapter 13 Chapter 16	Section 3
	DED Policy: All subrecipients who receive a Notice of Approval on or after July 1, 2021, must submit an ACH in the GMS. Prior to July 1, 2021, DED used the documentation on record if available.	Chapter 12	ACH Form
2022			
1.0	"Subrecipient" is replacing "Grantee" definition per 24 CFR 570.503	ALL Chapters	
	'Grantee Information Sheet' renamed as 'Subrecipient Information Sheet'	Chapter 5	Special Conditions
	Special Assessments are highly discouraged starting in Program Year 2022	Chapter 3 Chapter 5 Chapter 8	Special Policies for Activities
	Project Implementation Schedule requirement was removed	Chapter 5	Special Conditions
	Tier II Template this was updated in September 2022. This update includes a signature line for the Responsible Entity (RE) to sign the Tier II form.	Chapter 6	CDBG Resource Library
	HUD Assessment Checklist: This form is used for Environmental Assessment (EA) Records. Added components related to Climate Change, per guidance from HUD. Refer to the HUD website for additional information, https://www.hudexchange.info/programs/environmental-review/environmental-assessment/	Chapter 6	Environmental Assessment Form
	National Environmental Policy Act (NEPA) Implementing Regulations Revisions. The Council on Environmental Quality (CEQ) issues this final rule to amend certain provisions of its regulations for implementing the National Environmental Policy Act (NEPA), addressing the purpose and need of a proposed action, agency NEPA procedures for implementing CEQ's NEPA regulations, and the definition of "effects." The amendments generally restore provisions that were in effect for decades before being modified in 2020. This rule is effective May 20, 2022.	Chapter 6	NEPA | National Environmental Policy Act - CEQ NEPA Implementing Procedures
	Effective April 4, 2022, the Unique entity identifier used across the GSA changed from DUNS number to the Unique Entity Identified (UEI), which is generated by the Federal government's System of Award Management	Chapter 4 Chapter 7 Chapter 9 Chapter 15	SAM.gov
	DED's Davis Bacon & Related Acts Checklist (Revised June 2018) was removed. Please refer to *Davis-Bacon and Labor Standards: Agency/Contractor Guide and Contractor Addendum - HUD Exchange* for the most current information.	Chapter 9	Labor Standards

Version	Description of Change	Chapter	Section
	Effective April 4, 2022, HUD discontinued form 4230a and replaced with Standard Form (SF 1444) for Request for Authorization of Additional Classification. Refer to Labor Standards Notice LR-22-01 Use of the SF-1444 for Conformance Requests	Chapter 9 Appendix 3	Wage Determination LR-22-01
	The liquidated damages penalty under the Contract Work Hours and Safety Standards Act (CWHSSA) has been adjusted to **$29** for violations that occur on or after January 15, 2022.	Chapter 9	Liquidated Damages
	In December, DED's Final Financial Report was updated. The report changed the process to de-obligate funds prior to closeout.	Chapter 12 Chapter 13 Chapter 16	Final Financial Report
	The Risk Analysis Checklist (RAC) monitoring process was replaced with Benchmark Monitoring Exhibits.	Chapter 14	Monitoring
2023			
1.0	DED Rehab standards (effective April 2018) are archived on the website	Chapter 4	Special Conditions Forms & Templates
	DED Agreements removed the United States Citizen Attestation Form	Chapter 5	CDBG Agreement
	DED process change: FFATA and Agreement are sent to Subrecipient simultaneously. FFATA no longer submitted during Special Conditions.	Chapter 5	CDBG Agreement
	Build American, Buy America (BABA) language added to CDBG Agreements. BABA went into effect with DED CDBG projects awarded after September 26, 2023 (*date DED agreement signed with HUD*).	Chapter 5	CDBG Agreement
	DED updated: NOIRROF templates and Timing Summary Worksheet in Excel	Chapter 6	CDBG Resource Library
	HUD CPD 2023-12: CPD Implementation Guidance for the Build America, Buy America Act's domestic content procurement preference as part of the Infrastructure Investment and Jobs Act.	Chapter 7 Chapter 9	BABA
	The Final Rule, *Updating the Davis-Bacon and Related Acts Regulations,* which includes the changes, became effective October 23, 2023. A comprehensive overview of the changes can be found on the U.S. Department of Labor's website: Final Rule: Updating the Davis-Bacon and Related Acts Regulations | U.S. Department of Labor (dol.gov).	Chapter 9	Labor Standards
2024			
1.0	**2 CFR 200 Uniform Guidance (2024 Revisions):** On April 22, 2024, OMB published extensive revisions to Title 2 of the CFR (2024 Revisions), which is now called Guidance for Federal Assistance. As allowed therein, HUD published subsequent guidance, 2 CFR Part 200 Overview for Grantees. **In accordance with the effective date, CDBG awards having a NOA date on or after October 1, 2024 shall comply with these revisions.**	Chapter 2 Chapter 7 Chapter 9 Chapter 12	M-24-11-Revisions-to-2-CFR.pdf

Version	Description of Change	Chapter	Section
	2 CFR 200 Uniform Guidance: (89 FR 30046) In CFR 200.313 & 200.314, relating to equipment & supplies, OMB increased the threshold value from $5,000 to $10,000; Effective October 1, 2024.	Chapter 13	Supplies & Equipment
	NAA: 2 CFR 200 Subpart F. Local governments and nonprofits that expend $1,000,000 (previously $750,000) or more within their fiscal year must conduct a single audit of federal and local funds.	Chapter 5 Chapter 12 Chapter 15	Notification of Annual Audit
	Substantial formatting changes to CDBG Agreements	Chapter 5	CDBG Agreements
	CPD-23-103: Radon Mitigation evidence required see link below: January 2024: CPD Notice on Departmental Policy for Addressing Radon in the Environmental Review Process (hud.gov)	Chapter 6	Mitigation
	Federal Flood Risk Management Standards (FFRMS): April 2024 link: Federal Flood Risk Management Standard | FEMA.gov	Chapter 6	
	Federal Register :: National Environmental Policy Act Implementing Regulations Revisions Phase 2; Effective July 1, 2024 • 24 CFR Part 58: Option for Online Publication: May 2024 DED Policy: all publications (notices and ERR when applicable) are posted to DED's website to match postings with local governments or subrecipients. Postings or publication will be consistent between localities and DED timing.	Chapter 6	
	National Environmental Policy Act (NEPA) Implementing Regulations Revisions Phase 2 This Final Rule went into effect on July 1, 2024 and applies *only* to new environmental reviews started after July 1, 2024, regardless of the level of review Federal Register :: National Environmental Policy Act Implementing Regulations Revisions Phase 2	Chapter 6	NEPA | National Environmental Policy Act - CEQ NEPA Implementing Procedures
	Updates to Site Evaluation Form as of September 2024.	Chapter 6	CDBG Resource Library
	The State of Nebraska updated procurement processes via Bills 461 and 1300. Effective July 19, 2024. NE_DAS_Materiel_SPB_Procurement Manual2024.pdf	Chapter 7 Chapter 9 Appendix 3	
	The previous Program Income Appendix 4 was embedded into Chapter 8 Program Income	Chapter 8	Program Income
	DED Policy: Removal of Public Benefits Report	Chapter 8 Chapter 13	Reporting
	U.S. Department of Labor final rule updates and revises the regulations issued under section 13(a)(1) of the Fair Labor Standards Act implementing the exemption from minimum wage and overtime pay requirements for executive, administrative, and professional (EAP) employees effective July 1, 2024. See https://www.dol.gov/agencies/whd/overtime/rulemaking.	Chapter 9	Labor Standards

Version	Description of Change	Chapter	Section
	• *Prime Contractor defined*		
	The Federal Highway Administration (FHWA) published the **Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Final Rule** in the Federal Register with an effective date of **June 3, 2024**.	Chapter 10 Chapter 11	
	HUD provided CPD-24-04 guidance on June 6, 2024, to Low-Moderate Income Summary Data	Appendix 1	LMISD
2025			
1.0	Significant updates to (1) hyperlinks due to changes in federal website management in the Reference section; (2) where chapters were revised, added numerical numbers to chapter sections; (3) added color-coded text boxes:, see Section ***1.2 Purpose and Structure of Manual***	ALL Chapters	Reference
	New addendum added, *Comprehensive Summary of the Key Revisions to 2 CFR Part 200 (2024 Revisions)*.	Addendum 1	Entire Document
	To program guidelines checklist, added Review Committee responsibility: *describe procedures to promote fair and open competition*	Chapter 4	Program Guidelines
	HUD published an interim final rule for AFFH effective date of April 2, 2025	Chapter 5	Fair Housing
	CPD-25-01: CPD Implementation Guidance for the Build America, Buy America Act's Buy America Preference. (HUD)	Chapter 5 Chapter 7 Chapter 9 Chapter 13	BABA
	DED procedural update: BABA Implementation	Chapter 5 Chapter 7	Special Conditions & Procurement
	On January 20, 2025, President Trump signed EO 14154, Unleashing American Energy, which directed CEQ to propose rescinding CEQ's NEPA regulations and to provide guidance on implementing NEPA. CEQ published an Interim Final Rule on February 25, 2025, in response to this direction. The rule is effective July 3, 2025. *See 90 FR 29417.*	Chapter 6	
	The State of Nebraska's Dept. of Environment and Energy (NDEE) & Dept. of Natural Resources (NeDNR) merge to become Dept. of Water, Energy, and Environment (DWEE), effective July 1, 2025.	Chapter 6	
	NDO information removed. This information is available separately on the DED website. *Contact your program representative with questions.*	Chapter 8	NDO
	New Davis-Bacon and Related Acts Weekly Certified Payroll Form, WH-347, effective January 2025.	Chapter 9	Payroll
	The liquidated damages penalty under the Contract Work Hours and Safety Standards Act (CWHSSA) has been adjusted to **$33.00** per worker, per day, for violations that occur on or after January 16, 2025. *See 29 CFR 5.8(a) and 29 CFR 5.5(b)(2).*	Chapter 9	Liquidated Damages

Version	Description of Change	Chapter	Section
	DED implemented a shared DED Labor Standards inbox, DED.DBRA.Compliance@nebraska.gov. *Please direct related correspondence accordingly.*	Chapter 9	Labor Standards
	DED procedural update: Removed 'after the subrecipient receives the Notice of Release of Funds, the subrecipient's first drawdown for general administrative funds may not exceed more than 50% of the allocated general administration.'	Chapter 12	
	DED procedural update: CDBG Project Status Report submission process.	Chapter 13	Project Status Reports
	DED procedural update: CDBG Job Creation and Retention Report	Chapter 13 Chapter 16	Reporting
	On January 21, 2025, President Trump signed Executive Order 14173, entitled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity." EO 14173 revokes Executive Order 11246, "Equal Employment Opportunity."	Chapter 5 Chapter 7 Chapter 9 Appendix 3	

From time to time, it may be necessary to update this manual.[1] As a tracking mechanism, the Nebraska Department of Economic Development (DED) has incorporated a Record of Changes table that, at a minimum, identifies the year of the effective change[2] and the version number, date of publication, and a summary description of changes. In most cases, revisions by DED will be to a specific chapter or set of chapters, rather than the entire CDBG Manual. The following information is listed to clarify how DED will update this manual when changes are deemed necessary:

- **Chapter 1, Record of Changes.** The Record of Changes table located in this Chapter 1 will list all substantive revisions to the balance of the manual. This will help readers track which chapter(s) have been updated, when they were updated, and the description of changes associated with a particular revision. This section does not necessarily acknowledge minor reformatting, corrections to typos, updated URLs, or similar nonsubstantive changes.

- **Respective Chapter, Record of Changes.** As chapters are updated, DED will update Record of Changes table to the top of affected chapter(s) to track the immediate and any subsequent revisions. Where necessary (e.g., due to the complexity of changes), the respective chapter Record of Changes may include additional summary information to facilitate understanding.

If additional guidance is received, DED will notify all subrecipients of new or updated federal or state requirements by a Policy Memo or an email communication. Where appropriate, **DED shall incorporate changes made by Policy Memo into this manual in a future version**.

1.2 PURPOSE AND STRUCTURE OF MANUAL

The Nebraska CDBG Program includes a variety of funding opportunities. Many requirements laid out in this manual apply to all programs funded with Federal dollars, but the practical implementation of these requirements can differ depending

[1] Underlying reasons for revisions may include, but may not be limited to, changes to policy or requirements at the federal- or state-level, changes to support efficiency or compliance considerations, clarifications to processes or procedures, or the like.
[2] Subrecipients should use the associated NOA date when determining if their award is affected by the change listed. Moreover, they should give careful review to the revision as the date of their underlying NOA may precede the actual effective date listed under the revision(s). For example, the 2024 Revisions to 2 CFR 200 where effective as of October 1, 2024 so would not necessarily apply to a project with an NOA of June 1, 2024.

on the type of program or project. Details are listed in this manual, along with references to the original law or regulation. As part of its 2025 updates, shaded text boxes have been incorporated to help more easily delineate the information source type (e.g., CFR, federal guidance, state). Specifically,

- pale yellow includes *verbatim* CFR regulations;
- light blue includes information *derived* from federal guidance; and
- gray represents DED examples.

If any entity has a question on any requirement or the information within or referenced in this manual, they should reach out to DED for clarification.

This manual is a resource for subrecipients and CDBG Certified Administrators implementing Community Development Block Grant (CDBG) funded projects, and potential applicants to its CDBG funding opportunities. Each chapter of this manual can be read independently to gain knowledge of requirements in that subject. However, **requirements frequently overlap with each other**. For example, requirements established in the financial chapter establish guidelines that will be necessary to comply with the requirements in the chapters on monitoring and audit.

This manual is intended as a guide and is neither a substitute for a thorough knowledge of the referenced state and federal laws and regulations nor comprehensive of everything associated with the State of Nebraska's CDBG Program. In the event of any discrepancy, applicable federal or state regulations will prevail. Subrecipients are responsible for compliance with the most stringent of any applicable local, state, or federal law or regulation. DED publishes additional resources:

- Application Guidelines,
- Policy Memos,
- Resource Library,
- Annual Action Plan(s),
- Citizen Participation Plan, and
- Consolidated Plan.

DED staff deliver technical assistance in the form of webinars and in-person trainings including, but not limited to:

- Application Guidelines Webinars,
- Certified Administrator Trainings, and
- Topic-based webinars.

This CDBG Manual and additional resources can be found at https://opportunity.nebraska.gov/CDBG. For additional summary information about the underlying authority, see ***1.3 CDBG in Nebraska***.

FEDERAL AUTHORITY & A BRIEF HISTORY OF CDBG

The CDBG Program is authorized under Title I of the Housing and Community Development Act of 1974 (HCDA), as amended, codified at 42 U.S.C. §5301 et seq. Pursuant to the Act: *"the primary objective [of the CDBG program] is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities,* ***principally for persons of low and moderate income****. Consistent with this primary objective,* ***not less than 70 percent*** *of the aggregate of the Federal assistance provided [to the grantee] shall be used for the support of activities that benefit persons of low and moderate income […]."*

HUD administers the CDBG Program. The primary source for guidance on the CDBG program is the regulations created by their Office of Community Planning and Development (CPD) contained within 24 CFR Part 570. Beginning with amendments to HCDA, in 1981, Congress provided states with the authority to administer CDBG funds for nonentitlement areas.[3] Nonentitlement areas include those units of local government (subrecipients) that do not receive CDBG funds directly from HUD.[4,5]

To carry out eligible activities, states participating in the CDBG Program award grants to units of local government.[6] Annually each state develops funding priorities and criteria for selecting projects. HUD is responsible for monitoring state compliance with federal laws, regulations, and policies. Under the State CDBG Program, participating states are responsible for:

- ✓ Developing the Consolidated Plan;
- ✓ Designing the CDBG Program within statutory and regulatory parameters;
- ✓ Setting priorities and identifying activities to meet them;
- ✓ Distributing funding according to the method of distribution (MOD);
- ✓ Establishing financial management, recordkeeping, reporting, monitoring, audit, and closeout procedures for programs; and
- ✓ Ensuring compliance by those carrying out funded activities.[7]

HUD distributes funds to each state based on a statutory formula. States distribute funds directly to subrecipients. **Subrecipients have the responsibility to consider local needs, prepare grant applications for submission to the state, and carry out the funded community development activities.** Subrecipients must comply with federal and state requirements.

All activities funded with CDBG resources must meet one of the following CDBG National Objectives:

- ✓ *Benefit low- and moderate-income persons;*[8]
- ✓ *Aid in the prevention or elimination of slums or blight;*[9] *or*
- ✓ *Be an activity that is designed to meet community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.*[10]

1.3 CDBG IN NEBRASKA

The State of Nebraska elected to administer the CDBG program in non-entitlement areas beginning in 1983. DED administers the CDBG program for the state. CDBG is among the US Housing and Urban Development (HUD) Community

[3] For provisions specific to State-administered CDBG Nonentitlement funds, see 24 CFR 570.1(a)(3).
[4] There are limited exceptions where HUD directly administers grants for the Small Cities and Insular Area programs. These are not in Nebraska.
[5] In Nebraska, there are currently four (4) CDBG entitlement communities: Bellevue, Grand Island, Lincoln, and Omaha.
[6] 2 CFR 200.64 (Feb. 21, 2021).
[7] Chapter 1: Overview of the Program. *Basically CDBG for States (April 2012)*, HUD, Office of Block Grant Assistance. Ret. July 8, 2025.
[8] 24 CFR 570.208(a).
[9] 24 CFR 570.208(b).
[10] 24 CFR 570.208(c).

Planning and Development (CPD) programs. Funding is appropriated annually by Congress and allocated to grantees, like Nebraska, by HUD via formula allocation. These amounts are published on their website[11] and, for Nebraska, are included in the associated Annual Action Plan.[12] In accordance with HUD requirements, as the lead agency, DED engages in collaborative strategic planning, culminating in the development of the following planning documents that identify how CPD funding will address needs and priorities:

- Consolidated Plan,[13]
- Citizen Participation Plan,[14]
- Annual Action Plan (AAP),[15]
- Consolidated Annual Performance Evaluation Report (CAPER), and
- Any applicable amendments to the above.

1.4 OVERVIEW OF FEDERAL PROGRAM ADMINISTRATIVE REQUIREMENTS

As a HUD grantee, DED must comply with applicable federal requirements, including, but limited to, those listed at 24 CFR Part 570 and 2 CFR Part 200. Similarly, entities receiving CDBG funding through awards issued by DED are also subject to those requirements. HUD also publishes or otherwise makes available guidance, including program- or activity-specific guidance. Most of the resources below are maintained at the federal level and may be amended from time to time. Furthermore, the information listed in the tables and associated URLs are provided as a reference and may not be exhaustive; **requirements may vary from project to project depending upon the nature of the activities carried out with CDBG funds.** As reflected in ***Table 1-2. Crosswalk: Federal Regulation/HUD Guidance, CDBG Manual***, further information on these topics is available throughout other chapters within the CDBG Manual.

Entities receiving CDBG funds are responsible for understanding the applicability of all laws and regulations, and in complying with and obtaining copies of all applicable federal and state laws and regulations. For additional information regarding the federal laws and regulations and for copies of federal regulations, refer to HUD's website, www.HUD.gov and the Code of Federal Regulations website, https://www.ecfr.gov. If you need assistance, please contact your DED representative.

Table 1-1. Federal Regulations, HUD Guidance, and CDBG Program-Specific Requirements

Title/Description	URL(s)
Housing and Community Development Act (HCDA) of 1974, as Amended *Public Law 93-383; 88 Stat. 633; 42 U.S.C. §5301 et seq.*	• https://www.govinfo.gov/content/pkg/COMPS-10382/pdf/COMPS-10382.pdf • https://www.law.cornell.edu/uscode/text/42/5301
HUD Overview of HCDA	• https://www.hudexchange.info/resource/2184/housing-and-community-development-hcd-act-of-1974/

[11] https://www.hudexchange.info/grantees/allocations-awards/
[12] https://opportunity.nebraska.gov/programs/plans-reports/
[13] 24 CFR 91.300
[14] 24 CFR 91.115
[15] 24 CFR 91.320; CDBG program-specific requirements at 24 CFR 91.320(k)(1)

Title/Description	URL(s)
24 CFR Part 570 – Community Development Block Grants	• https://www.ecfr.gov/current/title-24/part-570
HUD General Resources	
CPD Programs, CDBG	• https://www.hud.gov/hud-partners/community-cdbg
CPD Notices	• https://www.hud.gov/hudclips/notices/cpd
HUD Exchange	• https://www.hudexchange.info
HUD User	• https://www.huduser.gov/portal/
HUD Guidance, CDBG Program-Specific	
CDBG State Program (landing page)	• https://www.hudexchange.info/programs/cdbg-state/
CDBG Laws and Regulations	• https://www.hudexchange.info/programs/cdbg/cdbg-laws-and-regulations/
Basically CDBG for States, July 2014	• https://www.hudexchange.info/resource/269/basically-cdbg-for-states/
Guide to National Objectives and Eligible Activities for State CDBG Programs, February 2015	• https://www.hudexchange.info/resource/2179/guide-national-objectives-eligible-activities-state-cdbg-programs/
Low/Moderate Income Summary Data (LMISD) by Local Government	• https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-local-government/
CDBG Income Survey Toolkit and CDBG Guidebook for Conducting Local Income Surveys	• https://www.hudexchange.info/programs/cdbg/cdbg-income-survey-toolkit/

Table 2-2. Crosswalk: Federal Laws and Regulations/HUD Guidance, CDBG Manual

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
2 CFR 200	Issued by the Office of Management and Budget in December 2013 and significantly revised in 2024, 2 CFR 200 is a set of rules and regulations that apply to federal grants, cooperative agreements, and contracts; these represent the OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.[16] Components of the Guidance are: • Subpart A. Acronyms and Definitions • Subpart B. General Provisions • Subpart C. Pre-Federal Award Requirements and Contents of Federal Awards • Subpart D. Post Federal Award Requirements • Subpart E. Cost Principles • Subpart F. Audit Requirements **Reference(s):** • https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1 • https://www.hud.gov/sites/documents/cfr200.pdf	• 5 – CDBG Agreement & Implementation • 7 – Procurement • 12 – Financial Requirements • 13 – Recordkeeping & Reporting Requirements • 15 – Notice of Annual Audit • 16 – CDBG Closeout • 20 – Appendix 3: Procurement Compliance • 23 - Addendum 1: Comprehensive Summary of Key Revisions
2 CFR 25	Pursuant to the requirements established by the OMB, this part includes guidance on the **Unique Entity Identifier (UEI)** and **System for Award Management (SAM.gov)**. Entities receiving federal funding, including CDBG, must comply with these provisions, which generally include the requirement of having a UEI (exceptions limited and are described under §25.110) and maintain a current and active registration. In accordance with §25.300, DED cannot make a CDBG award to a subrecipient that has not obtained a UEI. Similarly, DED cannot disburse grant funds to a subrecipient that does not have an active registration at SAM.gov.	• 4 – CDBG Program Guidelines • 7 – Procurement • 9 – Construction and Labor Standards • 15 – Notice of Annual Audit • 20 – Appendix 3: Procurement Compliance

[16] Before 2 CFR 200, federal grant management was governed by multiple OMB circulars.

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
2 CFR 170	DED must collect information from subrecipients as required by the **Federal Funding Accountability and Transparency Act (FAFTA)**. In accordance with OMB's requirements, DED reports this information in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at *http://www.fsrs.gov* no later than the end of the month following the month in which the subaward was made. To support this timing, DED incorporated the FAFTA form into the subrecipient agreement procedures.	• 5 – CDBG Agreement & Implementation
BABA	The **Build America, Buy America Act (BABA)**, enacted as part of the Infrastructure Investment and Jobs Act in 2021, mandates that federally funded infrastructure projects use iron, steel, manufactured products, and construction materials produced in the United States. The goal of the Act is to strengthen domestic manufacturing, create American jobs, and ensure taxpayer dollars support U.S industry. BABA applies to all federal agencies providing financial assistance for infrastructure and includes policies for waivers under specific circumstances. Build America, Buy America Act (BABA) Pub. L. No. 117–58, §§ 70901–70927, 135 Stat. 429, 1298–1306 (2021) • https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf • HUD Overview: https://www.hud.gov/hud-partners/baba	• 5 – CDBG Agreement & Implementation • 7 – Procurement • 13 – Recordkeeping & Reporting Requirements
Conflict of Interest	Pursuant to **24 CFR 570.489(h),** no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.	• 2 – CDBG Administration Overview • 4 – CDBG Program Guidelines • 7 – Procurement • 10 – Property Acquisition • 20 - Appendix 3: Procurement Compliance
Debarment	A debarment sanction means that an individual, organization, and its affiliates are excluded from conducting business with any Federal Agency, which includes receipt of CDBG funds. Depending upon the outcome of an investigation or legal proceeding, a suspension may lead to debarment.	• 7 – Procurement • 9 – Construction & Labor Standards • 20 - Appendix 3: Procurement Compliance

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
Energy Code Requirements ***Neb. Rev. Stat. §72-805***	Pursuant to Neb. Rev. Stat. §72-805, the 2018 International Energy Conservation Code (IECC) applies to "all **new buildings constructed in whole or in part** with state funds after July 1, 2020". CDBG funds are considered state funds because they are Federal funds administered by the state. Where CDBG is used in new construction, as outlined in the statute, Nebraska DWEE shall be engaged in the review of the building plans and specifications to determine a project's compliance under 2018 IECC.	• 5 – CDBG Agreement & Implementation
Environmental Review	HUD-assisted projects must comply with the National Environmental Policy Act of 1969 (NEPA), HUD's implementing regulations at 24 CFR Part 58, and other related Federal and State environmental laws. Pursuant to 42 USC § 5304(g)(1) and 24 CFR § 58.4, the State of Nebraska assumes the responsibility for Environmental Reviews, decision-making, and actions that would otherwise be carried out by HUD under NEPA and other statutes. There are two (2) fundamental aspects of NEPA: • Public Participation: The public must be informed about the project before it begins. • Limitation on Activities Before Environmental Clearance: The Responsible Entity (RE) for the project must obtain Environmental Clearance prior to proceeding with the project. **Reference(s):** • https://ceq.doe.gov/laws-regulations/laws.html • https://www.hudexchange.info/programs/environmental-review/ • **Part 58:** https://www.ecfr.gov/current/title-24/subtitle-A/part-58?toc=1	• 6 – Environmental Review • 19 – Appendix Section 2: Environmental Compliance
Faith-Based Organizations	**EO 13279** – Equal Protection of the Laws for Faith-Based and Community Organizations policy states that, within the framework of constitutional church-state guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for Federal funding.	• 7 – Procurement • 15 – Notice of Annual Audit

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
Financial Management	**2 CFR 200 – Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards** establishes uniform administrative rules for federal grants and sub-awards to state, local, and Indian tribal governments and their subrecipients. Pursuant to **24 CFR 570.489(d),** expenditures of CDBG funds must be sufficiently specific, reasonable, and necessary; this is achieved through fiscal controls and sound recordkeeping by the subrecipient to support costs incurred are eligible, allocable, and allowable under the award. To support subrecipients in meeting these requirements, DED applies the provisions of 2 CFR 200 to subrecipients of CDBG funds as allowed by 24 CFR 570.489(d)(2)(iii). **24 CFR 570.490** establishes general record keeping and retention requirements.	• 4 – CDBG Program Guidelines • 5 – CDBG Agreement & implementation • 7 - Procurement • 12 – Financial Requirements • 14 – CDBG Monitoring • 15 – Notice of Annual Audit • 21 - Appendix 4: Certified Administrator Guidance
Floodplain Management ***Substantial Damage*** ***Substantial Improvement***	Pursuant to Title 455, Neb. Admin. Code, Chapter 1 §002.21, Nebraska has defined the terms 'substantial damage' and 'substantial improvement' in the context of floodplain management. Potential applicants for CDBG funds should review this information as part of developing their proposed activities and project design. Other federal floodplain concerns and requirements are incorporated under Environmental Review. **References:** • Nebraska Floodplain Management Division, https://dnr.nebraska.gov/floodplain	• 6 – Environmental Review • 19 – Appendix Section 2: Environmental Compliance

Labor Standards, Davis Bacon and Related Acts (DBRA)	**Section 110, Title I, HCDA**, as amended (42 USC 5310) requires all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with grants received under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, provided that this section shall apply to the rehabilitation of residential property only if such property is designed for residential use of eight or more units. Collectively, several requirements are often grouped and known as DBRA. **Davis-Bacon Act (DBA)**, 40 U.S.C. 3141-3148; 29 CFR Part 5 requires payment of prevailing wages (wages and fringe benefits) determined by the Secretary of Labor. This applies to federally funded contracts for construction exceeding $2,000. • https://www.ecfr.gov/current/title-29/subtitle-A/part-5 • https://www.dol.gov/agencies/whd/laws-and-regulations/laws/dbra **Contract Work Hours and Safety Standards Act (CWHSSA)**, 40 U.S.C. 3701-3708; 29 CFR Part 5 requires overtime pay (time and a half) for hours worked over 40 in a workweek on federal grants/contracts involving labor. • https://www.law.cornell.edu/uscode/text/40/3701 **Copeland "Anti-Kickback" Act**, 18 U.S.C. 874; 29 CFR Part 3 prohibits employers on federal contracts or grants from inducing employees to give up any part of their wages. • https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title18-section874&num=0&edition=prelim • https://www.ecfr.gov/current/title-29/subtitle-A/part-3 **Fair Labor Standards Act (FLSA)**, 29 USC 201 et seq., establishes a minimum wage rate, overtime, record keeping, and other regulations that affect employers and laborers. The FLSA is enforced by the U.S. Department of Labor (DOL), and DOL is authorized to investigate any violations and to initiate court **Labor Standards Disputes** between the contractor and employees, subcontractors, or DOL shall be resolved according to 29 CFR Parts 5, 6, and 7. **Reference(s):**	• 9 – Construction and Labor Standards • 13 – Recordkeeping & Reporting Requirements • 16 – CDBG Closeout

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
	• 29 CFR Parts 1, 3, 5, and 7 are the regulations and procedures issued by the Secretary of Labor for the administration and enforcement of the Davis-Bacon Act, as amended. • https://www.hud.gov/program_offices/davis_bacon_and_labor_standards • https://www.hudexchange.info/programs/davis-bacon-and-labor-standards/ • Federal Labor Standards Compliance in Housing and Community Development Programs Administration and Enforcement Handbook (**HUD Handbook No. 1344.1**) Policies and procedures contained within are to be used by Recipient, contractors and subcontractors who are recipients of federal funds, including CDBG, to ensure compliance with applicable federal labor standards, statutes, and regulations.	
Lead-Based Paint	**Residential Lead-Based Paint Hazard Reduction Act of 1992,** 42 USC 4851-4856, requires sellers, landlords, and agents to warn homebuyers and tenants of lead-based paint and lead-based paint hazards in pre-1978 housing. The focus of the **Lead-Based Paint Poisoning Prevention Act**, 42 USC 4821-4846, is to reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the federal government. Pursuant to **24 CFR 570.608** Lead-Based Paint, the implementing regulations for the above cited Acts are at 24 CFR Part 35, subparts A, B, J K and R.	• Chapter 7 - Procurement

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
National Objectives	All CDBG-funded activities must meet a national objective. The primary national objective is benefiting low- and moderate-income persons. **24 CFR 570.483** Criteria for National Objectives **24 CFR 570.484** Overall benefit to low- and moderate-income persons	• 2 – CDBG Administration Overview • 3 – CDBG National Objective & Fundability • 4 – CDBG Program Guidelines • 5 – CDBG Agreement & Implementation • 6 – Environmental Review • 8 – Program Income • 13 – Recordkeeping & Reporting Requirements • 14 – CDBG Monitoring • 16 – CDBG Closeout • 18 - Appendix 1: LMI Income Survey
Noncompliance	In accordance with its HUD grant agreement and as provided under **2 CFR 200.339**, DED may establish remedies for noncompliance as part of conditions of awards to subrecipients.	• 5 – CDBG Agreement & Implementation • 14 – CDBG Monitoring • 21 – Appendix 4: Certified Administration Guidance
Procurement and permitting	Procurement Standards for federally assisted activities are established at **2 CFR 200.317-.327.** When construction contractors are required, a licensed contractor with the State of Nebraska and local jurisdictions will be required. According to each local jurisdiction, permits may be required for work conducted utilizing CDBG funding.	• 7 – Procurement • 20 - Appendix 3: Procurement Compliance

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
Real Estate Acquisition and Relocation: ***Uniform Relocation Assistance*** ***Section 104(d), and other HUD Requirements***	**Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs** 42 U.S.C 4601-4655; 49 CFR Part 24 was enacted to provide policies for federally funded or assisted programs that involve acquisition of real property or displacement of persons from their homes, businesses, or farms with the objective of minimizing the hardship of displacement for affected persons. **Reference(s):** • https://www.law.cornell.edu/uscode/text/42/chapter-61 • https://www.ecfr.gov/current/title-49/subtitle-A/part-24 • https://www.hudexchange.info/programs/relocation/ **Section 104(d) of the Housing and Community Development Act of 1974** 42 U.S.C. 5304(3) was enacted to protect residents from displacement caused by projects funded through the CDBG program. Requires grantees to provide relocation assistance and ensure availability of comparable replacement housing. • https://www.law.cornell.edu/uscode/text/42/5304	• 10 – Property Acquisition • 11 – Relocation & Displacement • 22 - Appendix 5: RARAP
Radon Resistant New Construction	**Neb. Rev. Stat. §76-3504** establishes a minimum standard for new construction built after September 1, 2019. Exceptions are established at **Neb. Rev. Stat. §76-3505.** Potential applicants for CDBG funds should review this information as part of developing their proposed activities and project design. Other federal radon-related concerns and requirements are incorporated under Environmental Review.	• 6 – Environmental Review • 19 – Appendix Section 2: Environmental Compliance

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
Recordkeeping and Access to Records	Subrecipients must maintain complete and accurate records of all CDBG award-related materials (e.g., financial, procurement, performance outcomes) to permit a timely and effective audit, allowing DED, and thereby HUD, to determine that all funds are and have been expended in accordance with program requirements and in a manner consistent with applicable law. It is the subrecipient's responsibility that these records are complete and available. **24 CFR 570.490** Establishes general record keeping and retention requirements.	• 2 – CDBG Administration Overview • 5 – CDBG Agreement & Implementation • 6 – Environmental Review • 7 - Procurement • 8 – Program Income • 9 - Construction & Labor Standards • 13 - Recordkeeping & Reporting Requirements • 20 – Appendix 3: Procurement Compliance
Section 106 Review and Compliance	CDBG funded activities are subject to Historic Preservation according to the National Historic Preservation Act (1966), particularly sections 106 and 110, and 36 CFR Part 800. Potential applicants for CDBG funds should review this information as part of developing their proposed activities and project design. For more information and compliance forms see the Nebraska State Historic Preservation Office, https://history.nebraska.gov/.	• 4 – CDBG Program Guidelines • 5 – CDBG Agreement & Implementation • 6 – Environmental Review • 19 – Appendix Section 2: Environmental Compliance

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
Waste, Fraud, Abuse, and Whistleblower Protections	Federal and state rules and regulations are in place to prevent, detect, report, and rectify Fraud, Waste, and Abuse (FWA). • **2 CFR § 200.303** requires that non-Federal entities must "establish and maintain effective internal control over the Federal award" and further requires that such entities "take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings. • The **State Government Effectiveness Act**, Neb. Rev. Stat. §§ 81-2701–81-2711, sometimes referred to as the Whistleblower Act, prohibits agencies of State government from retaliating against State employees who report wrongdoing in State government to proper authorities and provides certain protections for employees who are "whistleblowers" covered by the Act. Any person who becomes aware of the existence or apparent existence of fraud, waste, or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to HUD's Office of Inspector General (OIG). • Allegations of fraud, waste, and abuse related to HUD programs can be reported to the HUD OIG Hotline via phone at 1-800-347-3735 or online hotline form. • https://www.hudoig.gov/hotline/report-fraud	• 9 – Construction & Labor Standards
Fair Housing, Civil Rights, and other Nondiscrimination Issues		
Title VI, Civil Rights Act of 1964	Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance. • https://www.usdoj.gov/crt/grants_statutes/titlevi.txt • https://www.justice.gov/crt/fcs/TitleVI • **HUD Overview:** https://www.hud.gov/programdescription/title6	• 5 – CDBG Agreements & Implementation • 7 – Procurement • 9 – Construction & Labor Standards • 20 - Appendix 3: Procurement Compliance

Fair Housing Act

Equal Opportunity in Housing

Affirmatively Furthering Fair Housing

Age Discrimination Act of 1975

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin. The Fair Housing Act requires HUD to take all actions necessary and appropriate to prevent discrimination in housing and related facilities that are funded in whole or in part with federal financial assistance. Federally funded activities that fall under these provisions include mortgage insurance, guaranty programs, and grants used to acquire, clear, relocate, or otherwise prepare a housing site. The Act's provisions are also binding on housing related practices of lending institutions, insofar as such practices relate to loans ensured and guaranteed by the federal government.

This law also mandates that you administer your program in a manner that affirmatively furthers fair housing. It was amended in 1988 to affirmatively further fair housing.

Reference(s):

- Implementing regulations at 24 CFR 107
- See also EO 11063 – Equal Opportunity in Housing, as amended by EO 12259 – Leadership and Coordination of Fair Housing in Federal Programs
- https://www.federalregister.gov/documents/2007/01/22/07-217/final-guidance-to-federal-financial-assistance-recipients-regarding-title-vi-prohibition-against
- https://www.hud.gov/program_offices/fair_housing_equal_opp
- https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_resources

In July 2015, HUD established a final rule on Affirmatively Furthering Fair Housing (AFFH),[17] which established a process that HUD program participants (e.g., Grantees, Subrecipients) must use to meet their long-standing obligations (AFFH Rule).

Reference(s):

- https://www.federalregister.gov/documents/2015/07/16/2015-17032/affirmatively-furthering-fair-housing
- **AFFH Rule Guidebook,** https://www.hud.gov/AFFH
- https://www.hud.gov/stat/fheo/rights-obligations

State of Nebraska Fair Housing Information:
Title 140 Chapter 3.002 directs executive departments, including DED, to support the Nebraska Equal Opportunity Commission as authorized under the Nebraska Fair Housing Act.

- 4 – CDBG Program Guidelines
- 5 – CDBG Agreement * Implementation
- 7 – Procurement
- 9 – Construction & Labor Standards
- 13 – Recordkeeping & Reporting Requirements
- 16 – CDBG Closeout
- 20 - Appendix 3: Procurement Compliance

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
	• **Nebraska Fair Housing Act**, Neb. Rev. §§20-301 through 20-344. • **NEOC,** https://neoc.nebraska.gov/housing-law • **NEOC Rules and Regulations**, https://rules.nebraska.gov/rules?agencyId=31&titleId=86 **HUD Resources:** • HUD Office of Fair Housing • HUD Fair Housing and Equal Opportunity, https://www.hud.gov/stat/fheo/rights-obligations • Find HUD approved Housing Counseling Services by using the webtool, https://answers.hud.gov/housingcounseling/s/?language=en_US. • How to Report Housing Discrimination, https://www.hud.gov/contactus/file-complaint The **Age Discrimination Act of 1975,** 42 USC 6101-07 and HUD's implementing regulations at 24 CFR Part 146; prohibits against discrimination on the basis of age. The Act provides that no persons in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits, of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. It is not a violation of the Act for a HOME PJ or its housing partner(s) to operate elderly-only housing since the HOME statute permits such housing. https://www.ecfr.gov/current/title-24/part-146	

[17] 80 FR 42271

Americans with Disabilities Act of 1990

Section 504 of the Rehab Act of 1973

24 CFR Part 8

Section 109 of the Housing and Community Development Act of 1974

Architectural Barriers Act of 1968

Americans with Disabilities Act (ADA), 42 USC 12101 et seq., provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. It further provides that discrimination includes a failure to design and construct facilities for first occupancy no later than January 26, 1993, that are readily accessible to and usable by individuals with disabilities.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, prohibits discrimination based on disability in any program or activity receiving federal financial assistance. A Subrecipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from Federally funded programs, services or other benefits;
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers; or •
- Deny employment opportunities, including hiring, promotion, training and fringe benefits, for which they are otherwise entitled or qualified.

HUD's implementing regulations of ADA and Section 504 are at **24 CFR Part 8** – Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development.

Section 109, HCDA provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under Title I of the Housing and Community Development Act of 1974.

Architectural Barriers Act of 1968, (42 USC 4151-4157) HUD implementing regulations at 24 CFR Part 40, prescribe standards for the design, construction, and alteration of publicly owned residential structures to ensure that physically handicapped persons will have ready access to, and use of, such structures.

Reference(s):

- https://www.hudexchange.info/resource/2328/notice-cpd-05-10-cdbg-section-504-ada-architectural-barriers-act/
- **HUD Overview**: https://www.hud.gov/programdescription/sec504
- https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504

- 3 – CDBG National Objective & Fundability
- 5 – CDBG Agreement & Implementation
- 6 – Environmental Review
- 7 – Procurement
- 8 – Program Income
- 9 – Construction & Labor Standards
- 11 – Relocation & Displacement
- 13 – Recordkeeping & Reporting Requirements
- 16 – CDBG Closeout
- 20 - Appendix 3: Procurement Compliance

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
	• • https://www.ecfr.gov/current/title-24/subtitle-B/chapter-V/subchapter-C/part-570/subpart-K/section-570.602 • **HUD Overview:** https://www.hud.gov/programdescription/sec109	
Section 3 of the Housing and Urban Development Act of 1968	Pursuant to **24 CFR 75**, "[t]he purpose of Section 3 is to ensure that economic opportunities, most importantly employment, generated by certain HUD financial assistance shall be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing or residents of the community in which the Federal assistance is spent." **Reference(s):** • Implementing regulations at 24 CFR 135 • https://www.hud.gov/section3 • https://www.hudexchange.info/programs/section-3/ • https://www.hudexchange.info/resource/2330/24-cfr-part-135-section-3-regulations/ • https://www.ecfr.gov/current/title-24/subtitle-A/part-75 **Business registry:** in prior years, HUD maintained a business registry. According to an April 2024 FAQ, this registry is no longer available, and no replacement is planned, and HUD identified the Small Business Administration's (SBA) Small Business Search webtool as a potential resource.[18] • https://search.certifications.sba.gov/ • https://www.hudexchange.info/programs/section-3/resource-hub/business-owners/	• 7 – Procurement • 9 – Construction and Labor Standards • 13 – Recordkeeping & Reporting Requirements • 16 – CDBG Closeout • 20 – Appendix 3: Procurement Compliance

[18] https://www.hudexchange.info/faqs/4297/what-is-the-status-of-the-section-3-business-registryopportunity-portal/

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
Equal Employment Opportunity	Nondiscrimination in employment is required for all federally assisted contracts. • **EEOC Overview,** https://www.eeoc.gov/history/executive-order-no-11246 • EO 11246, as amended by EO 11375 • Implementing regulations at 41 CFR Chapter 60	• 5 – CDBG Agreement & Implementation • 7 – Procurement • 9 – Construction & Labor Standards • 20 Appendix 3: Procurement Compliance
Limited English Proficiency (LEP)	**Title VI of the Civil Rights Act of 1964** prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient. **EO 13166** applies this statutory provision to federal agencies and programs. **90 FR 15721** (Applicability March 21, 2025), states: "This notice announces the Department of Justice's ("Department") rescission of its Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, consistent with an Executive Order entitled *Designating English as the Official Language of the United States*." However, lep.gov prominently states: "Disclaimer: On March 1, 2025, an Executive Order "Designating English as the Official Language of the United States" revoked Executive Order 13166 and directed the Attorney General to rescind any policy guidance documents issued pursuant to EO 13166 and provide updated guidance consistent with applicable law. The Department is currently reviewing guidance documents for compliance with the new Executive Order. The new Executive Order does not "require[] or direct[] any change in the services provided by any agency." **Reference(s):** • https://www.justice.gov/crt/fcs/EO13166_tips • https://www.lep.gov/ • https://www.federalregister.gov/documents/2025/04/15/2025-06366/notice-of-rescission-of-guidance-to-federal-financial-assistance-recipients-regarding-title-vi	• 5 – CDBG Agreement & Implementation • 13 – Recordkeeping & Reporting Requirements • 16 – CDBG Closeout

Topic	Federal Laws and Regulations; HUD Guidance Summary and Reference	CDBG Manual Chapter(s)
Minority Business Enterprises/Women-Owned Business Enterprises (MBE/WBE)	**EO 11625, 12432, and 12138**; and **2 CFR 200.321** establish the development of Women and Minority Business Enterprises as a national priority and provide that, DED as a grantee and its subrecipients, shall take affirmative steps to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, construction and services.	• 7 – Procurement • 16 – CDBG Closeout
Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) ***Proposed Rule***	Published January 4, 2023, **88 FR 321** laid out the Proposed Rule for VAWA's applicability to HUD Programs. The FR states HUD guidance is forthcoming.[19] **Reference(s):** • https://www.govinfo.gov/content/pkg/PLAW-117publ103/pdf/PLAW-117publ103.pdf • https://www.hud.gov/vawa • https://www.hudexchange.info/homelessness-assistance/domestic-violence/ • **Proposed Rule:** https://www.federalregister.gov/documents/2023/01/04/2022-28073/the-violence-against-women-act-reauthorization-act-of-2022-overview-of-applicability-to-hud-programs	

[19] 88 FR 321