

APPLICANT/GRANTEE/RECIPIENT DISCLOSURE CERTIFICATION INSTRUCTIONS

Section 102 of the HUD Reform Act of 1989 contains a number of provisions to ensure greater accountability and integrity in the way the U.S. Department of Housing and Urban Development (HUD) and its grantees make certain types of assistance available. The CDAP Program is one of the HUD programs partially covered by Section 102.

A unit of local government applying for a CDAP grant (regardless of the program component), as well as the recipient of the grant must make certain disclosures. These disclosures are only necessary if the aggregate amount of previously awarded CDAP grants, CDAP grant applications currently pending review, and proposed CDAP grants is in excess of \$200,000 for the current program year. This funding threshold determines the extent of the information which must be disclosed.

Disclosure Information Required

1. Other Government Assistance is defined as any loan, grant, guarantee, subsidy, tax benefit, credit, etc., from the federal government, state or unit of local government which is expected to be made available with respect to the project for which the assistance is sought.
2. Interested Parties is defined as follows.
 - a. The name of any developer, contractor, or consultant involved in the application for assistance or in the planning, development or implementation of the project or activity.
 - b. The name of any other person who has a financial interest in the project in excess of \$50,000 or 10 percent of the assistance, whichever is less. If the person referred to is an entity, then disclosure must include an identification of each officer, director and stockholder.

A financial interest means any financial involvement in the project or activity including, but not limited to, situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not by itself considered a covered financial interest.

3. Sources and Uses of Funds is defined as the gross amount of funds to be made available for the project from both governmental and non-governmental sources and private capital resulting from tax benefits and the expected uses for those funds.

Who Must Complete the Disclosure Certification

Parts I and II of the Applicant/Grantee/Recipient Disclosure Certification must be completed by every unit of local government applying for CDAP funds and submitted as part of the application package. If the funding threshold of \$200,000 is met, then Parts III through V of the Disclosure Certification, as they pertain to this particular grant request, must also be completed. It is important that the information be as complete and concise as possible. An **applicant** is defined as any unit of

local government applying for CDAP funds. The **grantee** is any unit of local government which has been awarded a grant. The **recipient** is defined as the receiver of the grant funds from the local government and refers to the economic development component only. An example is a city receives a grant to loan to a company for machinery and equipment acquisition. The company is the recipient.

Updating the Disclosure Certification

During the period in which an application is pending or the period in which the assistance is being provided, the Disclosure Certification must be updated if the following actions occur. Updated reports must be submitted within 30 days of the change requiring the update.

1. Omitted Information - The application was submitted and the applicant failed to disclose the information as required.
2. Change in Disclosure Threshold - Information subject to disclosure arose after the time for making disclosures, i.e., an interested party who did not previously have a pecuniary interest at the time of application, now meets or exceeds the \$50,000 or 10 percent of assistance threshold.
3. Change to Previously Disclosed Information - Changes must be submitted when any of the following criteria are met:
 - a. Changes in "Other Government Assistance" that exceeds the amount of such assistance that was previously disclosed by \$250,000 or 10 percent of the assistance, whichever is lower;
 - b. Changes in the amount of the pecuniary interest of a person exceeds the amount of the previously disclosed interests by \$50,000 or by 10 percent of such interests, whichever is lower;
 - c. Changes in the source of funds that exceeds the amount of all previously disclosed sources of funds by \$250,000 or 10 percent of those sources, whichever is lower; and
 - d. Changes in the uses of funds that exceeds the amount of all previously disclosed uses of funds by \$250,000 or by 10 percent of those uses, whichever is lower.