

**STATE OF NEW JERSEY • DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION**

SUBJECT: Resettlement Program – Post-Grant Award Compliance Monitoring Plan

NUMBER: 2.10.35

EFFECTIVE: April 2014

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APPROVAL:



Stacy Bonaffons
Assistant Commissioner



Timothy Cunningham
Director, Sandy Recovery Division

PURPOSE:

This Resettlement Program Compliance Monitoring Plan is intended as a supplement to the **Resettlement Program Policies and Procedures**, approved in June 2013 with ensuing revisions. This plan relates to and supplements *Section 12. Monitoring and Compliance, Subsection 12.2 Monitoring Residency Requirements*. This policy is also supplemented by the Resettlement Program Recapture Release policy, related to specific circumstances where full compliance is beyond the homeowner's control and a release of obligation is approved by DCA.

PLAN:

1. Resettlement Program Compliance Monitoring Overview

The New Jersey Homeowner Resettlement Program was approved by HUD on April 29, 2013, as described in the State's Community Development Block Grant Disaster Recovery (CDBG-DR) Action Plan. The program provides for a grant of \$10,000 to primary homeowners impacted by Superstorm Sandy who meet the program eligibility criteria and agree to remain in their impacted county for 3 years. The program is established as an incentive activity by which compliance with the program terms and obligations are the program results; the funds are not intended to be used for construction.

DCA has established this Resettlement Program Compliance Monitoring Plan to:

1. Ensure according to identified risks, the state monitors program compliance;
2. Establish a monitoring schedule to confront program needs and risks;
3. Ensure proper documentation and reporting of monitoring efforts;
4. Notify the DCA Commissioner and Director of the Sandy Recovery Division (SRD) of compliance issues, and determine if additional steps are required.

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The Assistant Director of Compliance and Monitoring in the SRD or his designee has been identified as the point of contact and monitoring coordinator for the DCA-administered Homeowner Resettlement Program compliance monitoring.

2. Program Compliance Monitoring

In accordance with the State’s Action Plan, the State has established controls to ensure compliance with the program guidelines. The following are identified in the Action Plan:

- Prior to funds being released, threshold eligibility criteria have been validated.
- Prior to funds being released, the homeowner will sign a Promissory Note to reside in the county for three years or funds will be repaid to the State.
- The State will initiate monitoring of the incentive award within six months of the awards to ensure that the homeowner is meeting the terms of the agreement.

In accordance with the requirements of the Homeowner Resettlement Program, all residents of the nine most impacted counties of Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union Counties who applied for and who received a Homeowner Resettlement grant executed a *Promissory Note (Appendix A)* evidencing that they must live in the same county as when the storm struck for three (3) years after award of the grant. Recipients who executed the Promissory Note do not have to stay in the same residence for all three (3) years, nor do they need to be a homeowner; their only obligation is that their primary residence remain in the same county as at the time of Superstorm Sandy.

3. Methods of Compliance Monitoring

The DCA has identified that compliance monitoring activities will occur under two primary mechanisms.

- A. Desk Review compliance monitoring through third party validating sources is the initial and primary form of compliance verification for maintaining residency throughout the three years.

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- B. Direct Contact or Site Review will be undertaken on an as needed basis, if circumstances warrant. The approach will also be used more extensively at the end of the (3) three year grant award cycle where additional validation efforts may be needed.

4. Compliance Monitoring Process

The recommended program compliance monitoring process is illustrated below and described in the subsequent sections.



4.1 Identify Program Compliance Risks

The final program compliance is that the homeowner has maintained residency within the county at the mark of three (3) years after the grant award or they must repay grant funds. Compliance cannot be considered met and closed prior to three years from the grant signing date. It is therefore of limited value to continue to confirm residency throughout the period. The compliance monitoring should then focus on the risks associated non-compliance. The State has assessed the program non-compliance areas of vulnerability and determined the primary risks to be:

- Risk of relocation during the compliance period
- Risk of losing contact/difficulty to contact homeowners who have relocated
- Risks associated with the recapture of funds for non-compliance

To confirm attainment of program residency compliance, the State must primarily monitor at the three-year mark in order to release the homeowner's obligation. However, based on the identified risk areas for non-compliance, the State has determined that the program risks would be mitigated through initiating compliance monitoring efforts to focus on the early identification of possible non-compliance, based on a change in property ownership. The mitigation steps at determined intervals are intended to identify homeowners who may have relocated, as close to their time of relocation as feasible, which will increase the ability to maintain contact or forwarding information, and collect any repayment funds due.

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The Resettlement program also operates in partnership with the State's CDBG-DR funded Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, which is a construction-based program awarding up to \$150,000 per homeowner to rebuild or repair their home. With similar eligibility criteria, many of the Resettlement program awardees are also applicants in the RREM program. The RREM program provides a monitoring proxy for the Resettlement program as well, in that it confirms the Resettlement awardees are active in rebuilding their homes, and therefore not a risk for non-compliance.

The identification and review of risks will also drive the timing and intensity of compliance monitoring. There is low risk within the initial six month period post a homeowner signing the Promissory Note, therefore compliance monitoring will be at limited levels and will increase as the risks may show evidence to escalate as time progresses. Since the Resettlement program launched just over six months after the storm when many homeowners were still displaced and exploring rebuilding decisions and options, most homeowners who signed the Promissory Note are committed to their decision and many are in the RREM pipeline.

4.2 Establish Monitoring Schedule

As described in the State's Action Plan, to ensure compliance, DCA SRD will initiate monitoring within six months after grant signings to continue throughout the compliance period as necessary and reasonable in regards to the risks and costs.

The focus during the compliance period will be identifying where homes have been sold/changed ownership and determining if that homeowner has relocated within the county and remaining in compliance; or has relocated outside of the county and is therefore non-compliant and must repay funds.

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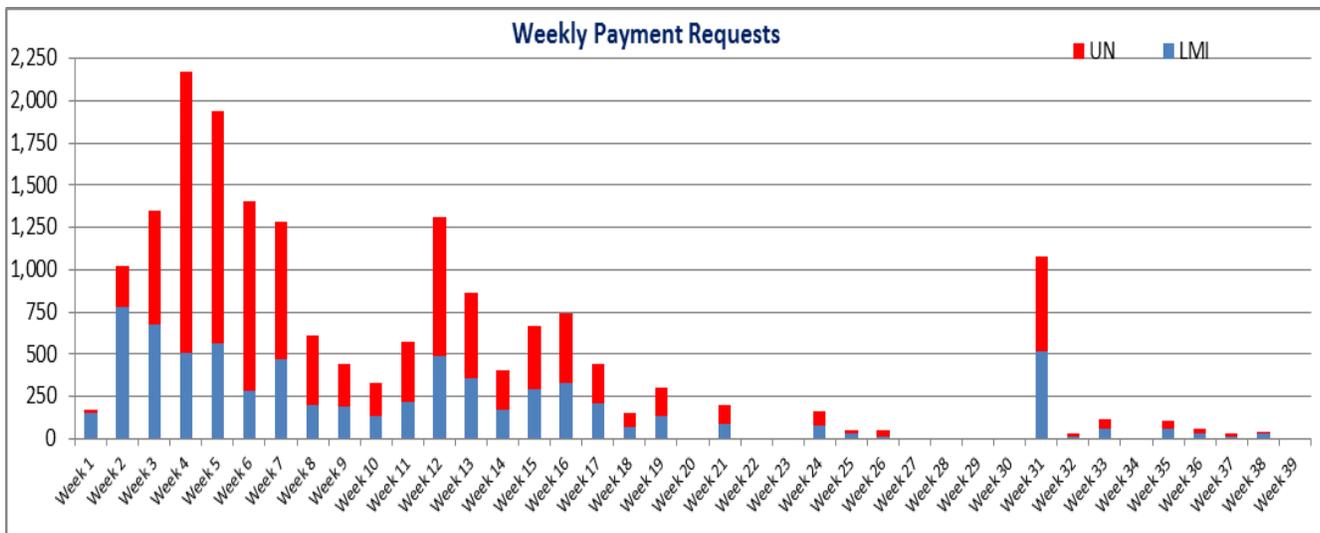
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Since the majority of the Resettlement awards were signed in July/August through November 2013 (totaling over 16,200 or 90% of the total), the three year compliance will primarily be met through November 2016. The monitoring will continue through until the three year compliance period ends for all awardees. The Resettlement Program is anticipated to sign all grants by June 2014, which would project that the final compliance will continue at diminishing level through June 2017.



*Week 1 begins at July 15 – July 19, 2013. Week 20 is November 25 - November 29, 2013.

The monitoring schedule anticipates a desk review performed proportionally at established intervals to maintain a compliance check of the complete awardee pool each year for the three year period. With the total award pool at just over 18,000, a segment of the pool, approximately 4,500 homeowners, will be monitored at quarterly intervals to ensure that all are reviewed by their one year mark. Monitoring will then restart for the second year of compliance and for the third year of compliance at quarterly intervals to ensure all are reviewed each year. The final compliance will be marked by the homeowners exact compliance date.

The Monitoring Schedule is based a quarterly proportional review, with an intention to check each applicant within each of the three years, as detailed below. (The source of data as explained in the

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following section is based on the quarterly tax assessment, therefore the calendar schedule is aligned to be 30 days after the close of the tax quarter).

Table 1	Monitoring Schedule	Awarded Homeowners	Total
YEAR 1 Compliance	Q1 & Q2 Apr-2014	4800 (RREM 'twins')	18,000
	Q3 Jul-2014	6000	
	Q4 Oct-2014	6000	
YEAR 2 Compliance	Q1 Jan-2015	4500	18,000
	Q2 Apr-2015	4500	
	Q3 Jul-2015	4500	
	Q4 Oct-2015	4500	
YEAR 3 Compliance	Q1 Jan-2016	4500	18,000
	Q2 Apr-2016	4500	
	Q3 Jul-2016	4500	
	Q4 Oct-2016	4500	
Remaining 10%	Jan-2017	1000	~2000
	Apr-2017	500	
	Jul-2017	500	

*Numbers are rounded and approximated.

4.3 Implement Monitoring Protocols

The State will deploy both noted methods of compliance monitoring. The desk review focuses on accessing relevant databases as third party validation of ownership changes. The desk review will be supplemented by direct outreach and site visits as needed to determine final resolution.

The direct contract method will be deployed through the use of email, phone and mail to access homeowners to validate information if discrepancies are identified from the third party databases. If the database indicates a change in ownership, that does not necessarily indicate non-compliance. The first search will be to confirm a forwarding address or home purchased within the same county which

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would confirm continued compliance. However, if that cannot be proven, then direct contact will be made to the homeowner for updated information and verification of current residency.

Desk Review

The desk review method will primarily deploy the use of third party database known as *Accurint*. The *Accurint* service is a database that will allow the State access to the quarterly tax assessment record of each Resettlement awardee. There is a charge to access the individual records at an estimated .23 cents per record. The State has reviewed this as a reasonable and eligible administrative cost in the effort of compliance monitoring. The cost and effectiveness will be continually monitored throughout the compliance period to confirm this method is preferable and reliable.

The State has worked with the *Accurint* system administrators to determine the ability to run a report on a batch of applicants as submitted with identifying information. That information will be matched to the most recent quarterly tax assessment made on a specific address and to a specific owner. The State will then run a validation of the data to determine if any discrepancies exist. The State will then take any “non-matches” and designate those for further review.

Table 2 Sample of Accurint Data Match

Resettlement Database		Accurint Tax Database		Match Result
Homeowner Name	Damaged Address	Homeowner Name	Property Address	
Cynthia Jones	2201 Broad Street	Jack Donnelly	2201 Broad Street	Non-Match*
Samuel Smith	4566 River Road	Samuel Smith	4566 River Road	Match

**Non-Matches will be noted for further review.*

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Other validating third party sources may then be accessed to do a further review for compliance and residency validation of the non-matched population or as needed for any other homeowners in which compliance is questioned. Those data sources include the following, with others to be added as analyzed for efficacy:

- a) County clerk's/registrar's offices' list of sold homes in the nine impacted counties.
- b) Multi-Listing Service (MLS) database of homes sold, available to the real estate professionals (*currently only available through a purchased membership*).
- c) The *New Jersey County Tax Boards Association*. The website documents ownership changes, and can be searched by location (street), owner name, or block and lot. The database provides current owner information including deed date. The site at www.njactb.org is updated approximately every 30 days.
- d) The Department of Motor Vehicles (DMV) database.

Monitoring Initiated at 6-Months

Since the bulk of the grants were distributed starting in August 2013, the program will initiate the compliance monitoring process in February/March 2014, in line with the State's Action Plan.

- Desk Review:
 - A first step will be taken to review the "twins" of those in the Resettlement Program that went forward to pursue the RREM program. Those Resettlement awardees who overlap as preliminarily funded in the RREM program are considered validated and deemed compliant at the time, as those homeowners are actively rebuilding their homes and in good standing with the RREM program. This exercise will confirm the compliance of a proportion of the Resettlement awardees.
 - Within the 3rd Quarter (July 2014), and after the quarterly tax assessment period, the DCA will initiate the first proportional review of awarded homeowners through the *Accurint* database.

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- Direct Contact/Site Review: Will be used to follow up on the “non-match” results of the search of the *Accurint* database.

Year 1, Year 2 and Year 3 Monitoring

According to the schedule as detailed in **Table 1** the State will undertake a proportional quarterly review to cover all Resettlement awardees each year throughout their compliance period. The process will be followed as noted in the Monitoring Protocols.

Final Program Compliance Monitoring

This section outlines the procedure that the DCA/SRD will follow to ensure that the final three (3) year commitment is satisfied.

- As the anniversary date (by week) of grant closing (date of execution of the Promissory Note) is reached, the DCA will review all of the applicants through the *Accurint* database search after the expiration of their compliance period. This will be done on a biweekly basis until all are completed, upon expiration. The same protocol will be followed if “non-matches” are identified. Those will then be forwarded for additional review beginning with alternate database sources and ultimately direct contact.
- If there is difficulty in reaching a homeowner after all efforts have been exhausted, then a referral to the New Jersey office of the Attorney General for collection of the Promissory Note will be issued due to the failure to verify primary residence based on the terms of the grant that was awarded.

4.4 Review Results and Identify Issues

The monitoring coordinator will contact the SRD Director to identify areas where the compliance review data reveals concerns or issues.

In the event that issues are identified for a change to occur in the compliance monitoring plan, then follow-up actions should be scheduled to address the needed changes and resolution. The timing and

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frequency of the follow-up should be determined at the discretion of the monitoring coordinator and should be based on the severity of the deficiency. All follow-up actions should be documented.

4.5 Compliance Monitoring Results Reporting

Upon completion of each quarterly review, the Monitor will draft a Monitoring Report that identifies the results of the review and any follow on actions to be taken related to repayment. These actions are to be referred to the Director of the Sandy Recovery Division or his/her designee. The Monitoring Reports will be maintained within the appropriate file.

The report will contain data fields as indicated in the draft report in *Appendix B*.

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Appendix A

**STATE OF NEW JERSEY
reNEW JERSEY STRONGER HOUSING INITIATIVE HOMEOWNER RESETTLEMENT GRANT
GRANT AGREEMENT AND PROMISSORY NOTE**

GRANTOR: STATE OF NEW JERSEY, 101 S. Broad St. Trenton, NJ 08625, (hereinafter “STATE”),

GRANTEE(S): (Name(s) & address(es)), (hereinafter “GRANTEE(S)).

THIS PROMISSORY NOTE is made and entered into this ____ day of _____, 2013, by and between the STATE and the above-named GRANTEE(s):

WITNESSETH:

WHEREAS, the STATE has received federal Community Development Block Grant Disaster Recovery Funds (CDBG-DR) of which \$1.2 billion is to be utilized for housing related programs; and

WHEREAS, the STATE has allocated \$180 million of the CDBG-DR funds for the Homeowner Resettlement Program to be disbursed in the form of \$10,000.00 grants for the purpose of encouraging homeowners impacted by Superstorm Sandy to remain in the nine (9) Counties [Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union] most seriously impacted by Sandy; and

WHEREAS, sections 2 through 8 of the Resettlement Program Policy, New Jersey Department of Community Affairs, Disaster Recovery Division, Version 3.0, July 2013 (“RPP”) sets forth the covenants, terms, conditions of this Grant Agreement and Promissory Note, all of which are incorporated by reference herein;

WHEREAS, the GRANTEE(S) has made application for and has been deemed eligible to receive a Homeowner Resettlement Grant subject to certain covenants, terms and conditions set forth in this Grant Agreement and Promissory Note;

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NOW, THEREFORE, in consideration of the disbursement and receipt of the Grant monies described herein and for other good and valuable consideration, the parties do mutually agree as follows:

1. GRANT AMOUNT: TEN THOUSAND DOLLARS (\$10,000.00).
2. APPROVED USE OF GRANT FUNDS: Any non-construction purpose that assists the GRANTEE(S) to remain in the County in which they lived at the time of the storm subject to the terms of the RPP.
3. IMPACTED RESIDENCE: (address, including County, and Block/Lot)
4. GRANT TERM: GRANTEE(S) must maintain a primary residence within _____ County, the County of the Impacted Residence set forth above, for three (3) years from the date of execution of this Grant Agreement and Promissory Note.
5. PAYMENT TERMS
 - a. If the GRANTEE(S) maintain(s) a primary residence within _____ County, the County of the Impacted Residence set forth above, for three (3) years from the date of execution of this Promissory Note and also complies with the terms of the RPP, GRANTEE(S)' obligation under this Grant Agreement and Promissory Note shall be forgiven and released by the STATE in full.
 - b. If the GRANTEE(S) fail(s) to maintain(s) a primary residence within _____ County, the County of the Impacted Residence set forth above, for three (3) years from the date of execution of this Promissory Note, the GRANTEE(S) shall be obligated and promises to repay the entire \$10,000.00 Grant Amount to the STATE within thirty (30) days of termination of primary residence in _____ County. The failure to repay in full the \$10,000.00 amount within thirty (30) days shall constitute a default of the obligations of the GRANTEE(S) under this Grant Agreement and Promissory Note allowing the State of New Jersey to institute a legal action to recover the \$10,000 payment made to the GRANTEE(S).
 - c. GRANTEE herein agrees to indemnify the State for all costs and reasonable attorney's fees, which are incurred for services actually rendered in the collection of this note which shall be in addition to the recovery of the \$10,000.00 Grant Amount.

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6. GRANTEE(S)' REPRESENTATIONS: The GRANTEE(S) hereby affirmatively make(s) the following material representations which have been relied upon by the STATE as essential to its determination of the eligibility of the GRANTEE(S) to receive the Grant Amount secured by this Grant Agreement and Promissory Note:
- a. At the time of Superstorm Sandy, I (We) owned and occupied as my/our primary residence the above-designated IMPACTED RESIDENCE.
 - b. I (We) comply with the eligibility criteria set forth at Sections 2 and 3 of the RPP;
 - c. I (We) have sustained a Full Verified Loss (FVL) as is more particularly described in Section 6 of the LRPP;
 - d. I (We) have truthfully certified as to household income on the Resettlement Application as more specifically described in Section 7 of the RPP;
 - e. I (We) have duly registered for FEMA assistance;
 - f. I (We) have truthfully and openly provided all necessary information and documentation to the STATE and/or its authorized contractors in regard to my/our application for participation in the Homeowner Resettlement Grant Program
 - g. I/we agree to the receipt of the grant by a check, paid to the order to the name(s) and to the address stated on the attached authorization form. I have checked the names and addresses entered on the authorization form and agree that it is correct.
 - h. I (we) agree that I (we) have read this document and it has been explained to me (us). Any questions I (we) have about it have been answered to my (our) satisfaction.

If any of the material representations made by the GRANTEE(S) under this paragraph 6 prove to be intentionally or willfully false, or fraudulent, the STATE may immediately declare the GRANTEE(S) in default of this Promissory Note, demand payment in full of \$10,000.00 within thirty (30) days. Default under this paragraph allows the STATE'S right to file an action at law against the grantee(s) to obtain a judgment against Grantee to recover the \$10,000 payment along with reasonable attorney's fees and costs.

7. NO ASSIGNMENT: GRANTEE(S) shall not assign its obligations under this Grant Agreement and Promissory Note. An Assignment by the grantee under this Grant Agreement and Promissory Note shall constitute an event of default that will allow the State to pursue its remedies as set forth in Section 6.

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8. DEFERRAL OF EXERCISE OF STATE’S RIGHTS. The STATE’S failure to exercise any rights it may have under this Grant Agreement and Promissory Note shall not constitute a waiver thereof.
9. The GRANTEE(S) waive(s) presentment, demand, protest, and all other demands and notices, excluding notices of default pursuant to paragraph 6, and agrees that the following shall not release, discharge, modify, change or affect the liability of any GRANTEE(S);
 - a. The State allowing an extension or postponement of the time for repayment of the \$10,000.00 GRANT AMOUNT as required under paragraph 6B of this Promissory Note; or
 - b. The STATE’S release of any other GRANTEE liable hereunder;
10. GOVERNING LAW AND JURISDICTION: The rights and obligations of the parties, and the terms and conditions of this Grant Agreement and Promissory Note shall be governed by the laws of the State of New Jersey. The GRANTEE(S) hereby consent(s) to the jurisdiction of the Superior Court of New Jersey and agree(s) that any lawsuits of any nature pertaining to this Promissory Note shall be brought in that Court. The Parties agree that venue for a legal action shall be the Superior Court of New Jersey, Mercer County.
11. Any claims asserted against the State shall be subject to the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1 et seq. It is acknowledged by the parties that the State is a public entity covered by the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.
12. AMENDMENTS MUST BE IN WRITING: The terms and conditions of this Promissory Note may only be amended by written agreement signed by the STATE and the GRANTEE(S).
13. This agreement is the entire agreement between the parties (State and GRANTEE(S) and supersedes others.

IN WITNESS WHEREOF and intending to be legally bound, the GRANTEE(S) signed this document as of the date reported.

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GRANTEE(S):

By: _____
(Name of GRANTEE(S))

Attest: _____

ACKNOWLEDGMENT

STATE OF NEW JERSEY, COUNTY OF _____ : S.S.

I certify that on this date, _____, personally came before me and acknowledged under oath, to my satisfaction, that

- (a) _____ is/are the GRANTEE(S) named in this document;
- (b) They signed and delivered this document as their voluntary act and deed for the uses and purposes therein expressed.

Sworn and subscribed to before me this _____ day of _____, 201_.

(NOTARY or ATTORNEY-AT-LAW, STATE OF NJ)

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APPENDIX B: MONITORING REPORT {Draft Template}

PROGRAM: HOMEOWNER RESETTLEMENT MONITORING REPORT

DATE OF REPORT:

MONITORING QUARTER:

PROGRAM COMPLIANCE MONITORING RESULTS:

A) Desk Review

1. Data Review through RREM ‘Twin Applicants’

2. Data Review through Accurint

Number of Applicants Submitted for Review:

Number of Applicants with Matched Data:

Number of Non-Matches Identified:

Number resolved through further review:

Number Pending:

Number Referred to Director of SRD:

B) Direct Contact Review

Number of Applicants Referred for Direct Contact:

Number Resolved:

Number Referred to Director of SRD:

C) Issues Identified/Follow up Actions Needed

Prepared By: _____ (Monitoring Coordinator)

Approved By: _____ (SRD Director)