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From: Auditor of State's Center for Audit Excellence
To: All IPA Firms
Subject: Uniform Guidance (UG) - HUD - 'as may be amended' language
Date: July 11, 2016

HUD recently issued guidance on the '*as may be amended*' language in HUD Notice CPD-16-04 at <https://www.hudexchange.info/resources/documents/Notice-CPD-16-04-Additional-Transition-and-Implementation-Guidance-for-Recipients-of-Community-Planning-and-Development.pdf>.

- Pg. 4 specifically states that for CDBG, HOME & Emergency Solutions Grants (ESG), there has been confusion about the timing of the UG applicability, due to such '*as may be amended*' language. We discussed the '*as may be amended*' language in our Spring A&A Federal training and the fact these are the only HUD grants we are aware of that include this language. The Notice further explains that HUD's intent was that existing grant agreements would automatically become subject to the UG administrative requirements & cost principles as of 12/26/14.
- However, the Notice goes on to state that in light of the confusion, HUD will not make noncompliance findings if a grantee followed the old requirements, rather than the new UG, between 12/26/14 and 1/6/16. Please note that this is referring to HUD reviews; and that does not override the UG Subpart F requirements for auditors to report findings.
- Pg. 7 – 8 further address situations where subrecipient agreements would need amended for such. For example, if the subaward was issued prior to 12/26/14 and failed to include the '*as may be amended*' language. HUD is giving grantees 120 days from date of the Notice to amend such subaward agreements that failed to contain the language.
- **Auditors should:**
 - **Determine if the CDBG, HOME or ESG award is UG or non-UG. If non-UG (ie. signed by fed's prior to 12/26/14), then determine if the '*as may be amended*' language was included in the award. We will audit according to the award the client received – if their award was issued prior to 12/26/14 and does NOT contain the '*as may be amended*' language, and their award was not amended, then we would audit it under the pre-UG requirements.**
 - **If the '*as may be amended*' language was included in the award issued prior to 12/26/14, then it should be audited under the UG requirements.**

Any questions should be forwarded to the Center for Audit Excellence's FACCR inbox at FACCR@ohioauditor.gov.