

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

## TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

**Notice** is hereby given in accordance with G.S. 150B-21.1 that the Department of Public Safety intends to adopt the rule cited as 14B NCAC 05B .0401.

**Codifier of Rules** approved this rule as an emergency rule effective April 14, 2020 and received for publication the following notice and proposed temporary rule on April 3, 2020.

### **Public Hearing:**

**Date:** April 23, 2020

**Time:** 2:00 p.m.

**Location:** Teleconference, dial (919) 825-2731

**Reason for Proposed Temporary Action:** On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a State of Emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Pursuant to the authority of the Secretary of the Department of Public Safety (Department), the Governor's Crime Commission, as a section of the Division of Administration within the Department and as a State administering agency of North Carolina, is applying to receive a new federal funding source, the Coronavirus Emergency Supplemental Fund (CESF). This fund was established by Congress to help states cover costs associated with responding to COVID-19. The current administrative rules are not conducive to the administration of an emergency funding source that could not have been anticipated. To efficiently distribute CESF, and other funding that becomes available, in light of this emergency, the Department must temporarily waive the current application process set forth in 14B NCAC 05B .0200 and establish an emergency process for the efficient distribution of this critical grant funding to assist in the State's response to the COVID-19 pandemic.

**Comment Procedures:** Comments from the public shall be directed to: Margaret McDonald, 512 North Salisbury Street, Raleigh, NC 27604; phone (919) 825-2743; email Margaret.mcdonald@ncdps.gov. The comment period begins April 14, 2020 and ends May 5, 2020.

## CHAPTER 05 - GOVERNOR'S CRIME COMMISSION

### SUBCHAPTER 05B – GRANT ADMINISTRATION

#### SECTION .0400 – EMERGENCY GRANT APPLICATION PROCESS

#### **14B NCAC 05B .0401 GRANT APPLICATION PROCESS FOR STATE OR FEDERAL FUNDS AWARDED IN RESPONSE TO COVID-19**

(a) The Secretary of the Department of Public Safety (Secretary) shall waive the requirements for Program Grants as set forth in Sections .0200 of this Subchapter for the limited purpose of grant distribution for the Coronavirus Emergency Supplemental Fund, or any other State or federal fund established in response to the COVID-19 pandemic.

(b) The emergency grant application process shall consist of the following:

- (1) The Executive Director of the Commission shall designate requirements for submission of grant applications for funding.
- (2) To be considered for funding, applicants shall complete the grant application, which shall include the following information:
  - (A) Names, mailing addresses, telephone numbers, and signatures of the applicant;
  - (B) project information, including the following:
    - (i) a description of the project, its goals and objectives, and outcomes;
    - (ii) the issues or problems addressed by the project; and
    - (iii) project operation and activities.
  - (C) A proposed budget;
  - (D) a project time line;
  - (E) any other information required by these rules or otherwise requested in order to make a decision on the grant proposal; and
  - (F) a description of how the objectives of the proposed project are consistent with the outcomes and guidelines set forth in a State or federal grant program.
- (3) Grant applications shall be electronically submitted to the Commission through the Grant Enterprise Management System (GEMS).
- (4) Applications shall be received on an ongoing basis so long as funding is available.

(c) Applications that contain all of the information required in the Rule shall be forwarded to the Secretary. The Secretary shall select the applicants who will be awarded funding.

(d) Funding shall be administered as follows:

- (1) The Commission staff shall administer the grant as funds are available. All applicants shall be notified in writing or electronic communication through the GEMS system upon completion of the selection process that the applicant has been approved or denied.
- (2) Within 30 days of receipt of award notification, the applicant shall submit grant compliance and modification information. An applicant who does not provide the required information shall be ineligible for grant funding. For purposes of this rule, grant compliance and modification information includes the following:
  - (A) A list of grant conditions that were agreed to by an authorizing official of the applicant;
  - (B) a certification of non-supplanting;
  - (C) a certification of filing of an equal employment opportunity program;
  - (D) a memorandum of agreement or contract with any cooperating government agencies;
  - (E) a signature of all authorizing officials, implementing project director, and the applicant's chief financial officer; and
  - (F) a signed agreement to submit to an annual audit of the program.
- (3) Funds shall be conveyed to grantees through Grant Award Contracts. The Grant Award Contract shall bear the signature of the grantee's authorizing official and the Executive Director of the Commission. The Grant Award Contract shall be signed and returned to the Department within 30 days.

Authority G.S. 143B-602(5); 143B-602(8)(a)-(c); 143B-1101(a)(8); 143B-1103; 143B-1104.