

Certification:

CERTIFICATION FOR USE OF STATE AND LOCAL FISCAL RECOVERY FUNDS

by

City of Hampton

on behalf of

City of Hampton Public Works Department



We, the undersigned, represent City of Hampton and are working in partnership with its Public Works (Wastewater Division), and we certify that:

1. On behalf of Public Works (Wastewater Division), the City of Hampton is requesting the allotment of funding from the Commonwealth of Virginia's share of the State and Local Fiscal Recovery Funds pursuant to section 602 of the Social Security Act, as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (Mar. 11, 2021) and appropriated in Item 479.20, Chapter 1, 2021 Acts of Assembly, Special Session II.
2. We understand that the Commonwealth of Virginia will rely on this certification as a material representation for distributing State and Local Fiscal Recovery funds to the City of Hampton on behalf of the Public Works (Wastewater Division).
3. We understand that it is our responsibility to ensure that funds are distributed by the City of Hampton's Public Works (Wastewater Division) for the approved uses of the State and Local Fiscal Recovery funds provided under section 602 of the Social Security Act will be used only to cover those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); or otherwise adhere to official federal guidance issued or that will be issued regarding what constitutes an eligible expenditure; and
 - b. fulfill the purposes as appropriated by the General Assembly in Paragraphs B.1 and B.2 of Item 479.20, Chapter 1, 2021 Acts of Assembly, Special Session II.
4. We understand that funds provided pursuant to this certification are for necessary obligations incurred within the eligible program period for customer arrearages as of August 31, 2021, and must be expended to cover such obligations no later than February 28, 2022; and that any funds that are not obligated on or before February 28, 2022, by the City of Hampton and the Public Works (Wastewater Division), must be returned to Commonwealth of Virginia no later than March 31, 2022.
5. We understand that the City of Hampton on behalf of the Public Works (Wastewater Division) will not be eligible to receive funding after the final certification deadline of January 21, 2022, from State and Local Fiscal Recovery Funds and the Public Works (Wastewater Division) may not commit to any such expenditures, pay any related expenses, or provide any such services from within existing resources not otherwise designated for such expenditures unless authorized by the General Assembly and the Governor in a future appropriation act. We further understand that after the State and Local Fiscal Recovery funds are expended, the program and related

services will end at that time unless other fund sources have been appropriated for those purposes.

6. We understand that expenditure of the State and Local Fiscal Recovery funds provided pursuant to this certification must adhere to official federal guidance issued or that will be issued regarding what constitutes a necessary and qualifying expenditure. Any State and Local Fiscal Recovery funds that cannot be expended by the Public Works (Wastewater Division) in a manner that adheres to official federal guidance shall be returned to the Commonwealth of Virginia so that it may be reprogrammed or returned to the federal government. I understand that any funds spent in violation of federal guidance may be subject to repayment by the City of Hampton.
7. We understand that the City of Hampton and the Public Works (Wastewater Division) are responsible for retaining documentation of all uses of the State and Local Fiscal Recovery funds, including but not limited to contracts, MOUs, past due account ledgers, and/or grant award documents. Such documentation shall be produced upon request.
8. We understand that the City of Hampton and the Public Works (Wastewater Division) are responsible for maintaining proper accounting records to segregate these State and Local Fiscal Recovery expenditures from those supported by other fund sources and that all such records will be subject to audit.
9. We agree to follow and fully participate in reporting requirements issued by the Department of Accounts for the purposes of ensuring the Commonwealths' compliance with federal reporting guidance for State and Local Fiscal Recovery funds.
10. We understand that State and Local Fiscal Recovery funds provided pursuant to this certification must be used for a qualifying purpose as stated in federal law and guidance and the Public Works (Wastewater Division) may not identify this qualifying category as revenue replacement unless prior permission has been granted by the Governor pursuant to Paragraph B.3.a of Chapter 1, 2021 Acts of Assembly, Special Session II.
11. We understand that any State and Local Fiscal Recovery funds received pursuant to this certification cannot be used for expenditures for which the Public Works (Wastewater Division) has received from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may State and Local Fiscal Recovery funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.

We certify that I have read the above certifications and my statements contained herein are true and correct to the best of our knowledge.

City or County Chief Administrative Officer (CAO)	Authorized Official Representing Municipal Utility Allocated Funds by SCC
Name of City or County: City of Hampton	Name of Municipal Utility: City of Hampton Public Works
Printed Name of CAO: Mary B. Bunting	Printed Name of Municipal Utility Official: Jason L. Mitchell
Signature: 	Signature: 
Title: City Manager	Title: Director of Public Works
Date: 12/21/2021	Date: 12/16/2021

Please provide city/county DUNS number: 066019902

Please provide municipal utility DUNS number: 066019902

**CITY OF HAMPTON
OFFICE OF THE CITY ATTORNEY**
Approved as to form and legal sufficiency
Date: 12/16/21
Name: [Signature]
Title: Assistant

Certification Addendum

Federal Requirements for information to be included in agreement between county/city and municipal utility

§200.332 Requirements for pass-through entities.

All pass-through entities must:

(a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

(1) Federal award identification. (Coronavirus State and Local Fiscal Recovery Funds (ARPA SLFRF), ALN 21.027.)

(i) Subrecipient name (which must match the name associated with its unique entity identifier);
City of Hampton

(ii) Subrecipient's unique entity identifier; 066019902

(iii) Subaward Period of Performance Start and End Date; (October 29, 2021, and March 31, 2022, deadline to return funds)

(iv) Subaward Budget Period Start and End Date; (October 29, 2021, and March 31, 2022, deadline to return funds)

(v) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient; \$399,341.67

(vi) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation; \$399,341.67

(vii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity; \$399,341.67

(viii) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA); (ARPA SLFRF: Municipal Utility Relief Program to Assist Residential Customers)

(ix) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity; (U.S. Treasury Department awarding agency / Commonwealth of Virginia pass-through entity / Contact for Pass-through Entity: Erik Johnston, Director, VA Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219, (804) 371-7000)

(x) Assistance Listings number and Title; the pass-through entity must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement; (CFDA Number and Title are 21.027, Coronavirus State and Local Fiscal Recovery Funds.)

(xi) Identification of whether the award is R&D; and (This is not R&D award)

(xii) Indirect cost rate for the Federal award (including if the de minimis rate is charged) per §200.414. (No indirect costs can be charged by county/city or municipal utility)

COVID-19 ARPA SLFRF Municipal Utility Relief Program
Certification Addendum

Appendix A: Utility Arrearage Analysis to Substantiate Residential Customer Pre- Qualification

In order for the Commonwealth to authorize pre-qualification of the municipal utility's residential customer population impacted by the COVID-19 pandemic (i.e., residential customers with 60+ day arrearages as of August 31, 2021), by municipal utilities participating in the COVID-19 ARPA SLFRF Municipal Utility Relief Program, each awarded municipal utility is required to demonstrate that the program population is experiencing negative economic impacts as a result of the pandemic. Pre-qualification is based on guidance from the U.S. Treasury indicating that it is acceptable to demonstrate that households receiving assistance are within a population that experienced a negative economic impact and endorsing use of categories of populations for program implementation purposes (e.g., populations that have experienced unemployment, have experienced increased housing or food insecurity, or are low- or moderate-income). Consistent with the population-based approach to identifying negative economic impacts, in the context of the Municipal Utility Relief Program the Commonwealth is requiring each municipal utility to answer one of the following comparative questions to demonstrate that 60+ day residential customer population arrearages have been negatively impacted as compared to the program population's status prior to the pandemic. The following data backed analysis demonstrating negative economic impacts of the pandemic on the basis of increased residential customer population arrearages under either comparison test will authorize the municipal utility's residential customer population group to be eligible without the need for individual customer attestations. **All municipal utilities must complete this analysis. If the analysis demonstrates the negative economic impacts, the municipal utility will be required to pre-qualify their program population and provide this assistance to this entire population group without individual customer attestations. Municipal utilities, whose analysis does not prequalify the entire population group will be required to collect individual customer attestations. Utilities must submit with this Appendix accounting data supporting the selected option.**

Please See Comparison 2 for City of Hampton Analysis:

1. **Comparison 1 (Accounts Receivable Comparison).** Please provide the following or certify that the utility has the following:
 - a. As of 2-29-2020 [or a billing cycle ended prior to March 1, 2020]
 - i. Total Accounts Receivable Arrearage Balance / Annual Virginia jurisdictional Operating Revenues. **Answer:** _____
 - b. As of 8-31-2021 [or a billing cycle ended prior to September 1, 2021]
 - i. Total Accounts Receivable Arrearage Balance plus CRF received in 2020 / Annual Virginia jurisdictional Operating Revenues. **Answer:** _____
 - c. Is 1.a. is less than 1.b.? **Answer:** _____ (If YES, the municipal utility's residential customer population meets the requirements for residential customer population pre-qualification.)

OR

2. **Comparison 2 (Arrearage Dollar Value Comparison)**
 - a. What is the dollar value of the municipal utility's total 60+ day residential utility customer arrearages as of 8-31-2021 plus previously paid utility relief during the pandemic (e.g., CRF Municipal Utility Relief already paid or other utility relief paid that demonstrates the

COVID-19 ARPA SLFRF Municipal Utility Relief Program
Certification Addendum

Appendix A: Utility Arrearage Analysis to Substantiate Residential Customer Pre- Qualification

higher total arrearages that would otherwise be present)? Please note this figure can also be provided without including the additional utility relief provided during the pandemic.

Answer: \$1,409,153.58

- b. What is the dollar value of the 1, 2, 3, 4 or 5 year average (circle one as applicable) of total 60+ day residential utility customer arrearages in the municipal utility's most recent fiscal year(s) that ended pre-pandemic (i.e., before March 1, 2020). **Answer: 214,714.11**
- c. Is 2.a. is greater than 2.b.? **Answer: Yes** (If YES, the municipal utility's residential customer population meets the requirements for residential customer population pre-qualification.)

OR

3. Comparison 3 (Percent of Customer Base Comparison)

- a. What is the percent of the municipal utility's residential utility customer accounts with 60+ day arrearages out of all municipal utility customer accounts as of 8-31-2021? **Answer:** _____
- b. What is the percent of the municipal utility's residential utility customer accounts with 60+ day arrearages out of all municipal utility customer accounts as of 3-1-2020 (or as of the end of the most recent fiscal year that ended prior to 3-1-2020)? **Answer:** _____
- c. Is 3.a. is greater than 3.b.? **Answer:** _____ (If YES, the municipal utility's residential customer population meets the requirements for residential customer population pre-qualification.)

For municipal utilities that are unable to complete Comparison 1, Comparison 2, or Comparison 3 but still think they could otherwise demonstrate their program population is experiencing negative economic impacts as a result of the pandemic compared to pre-pandemic times, please contact DHCD staff to discuss potential alternative means for computing and demonstrating such a comparison.