COMMONWEALTH OF PENNSYLVANIA
Department of Conservation and Natural Resources
Revised: *1/6/12 2:00 P.M.*

Bureau of Recreation and Conservation (BRC) Administrative Policy/Grant Guidelines

SUBJECT: Waiver for Retroactivity

EFFECTIVE DATE: 12/30/09

REVISED: 12/27/10, 01/06/12

BACKGROUND: Grants are awarded to assist with projects to be undertaken after the award of a grant, rather than to pay or reimburse grantees for projects that have begun or are completed prior to the award of a grant. Therefore, grant funds nor the required match generally may not be applied to project costs incurred before the date of the grant award. However, there are limited special situations where the Bureau may permit grant funds or required match to be applied to project costs incurred before the date of the grant award. This permission is referred to as a "Waiver for Retroactivity."

This policy details the process for requesting a “Waiver for Retroactivity” that would potentially allow for reimbursement consideration of pre-grant award costs if a grant application is later selected for funding.

POLICY:

In rare situations, for example due to unforeseen circumstances beyond the applicant's control, the Bureau may permit grant funds and/or the required match to be applied to project costs incurred before the date of the grant award. The Bureau refers to this permission as a "Waiver for Retroactivity". The waiver process was designed to deal primarily with land acquisition or donation of land projects where the property owner’s needs to settle or donate land by a certain date; for an estate sale; where property might be lost; where an applicant must enter into an option/sales agreement and pay earnest money; for situations where DCNR is jointly funding projects with other Commonwealth agencies or to deal with situations such as natural disasters. The waiver must be approved in writing by the Department prior to the applicant initiating work that would be reimbursed by DCNR or counted as match toward the requested grant, such as actually going to settlement and taking possession to the land, whether acquiring land or accepting land as a donation as the project scope or to be used as match..

A waiver does not guarantee or in any way affect the chances of a project being selected for funding. It merely gives the applicant a project start date to which grant funds would be applied retroactively, should the project be selected for funding. A grant applicant who wishes to request a waiver must contact their Regional Recreation and Parks Adviser for preliminary direction and submit a written request to the Director, Bureau of Recreation and Conservation in Harrisburg and include a map and other information that would help explain the project. Include

complete contact information as part of your letter so that you can be contacted if there are questions or additional information is required. The request will be coordinated with the appropriate central and regional office staff and a response to the request will be generated and dispatched. When waivers are granted, applicants are still responsible for completing and submitting a complete grant application by the application deadline.

If the Bureau approves a waiver, it will approve it for a specific round of funding and give an effective date of retroactivity. This date is the beginning of the period that would be covered by a grant, if a grant is later awarded.

If the Bureau approves a request for a waiver but the project is ultimately not selected for funding, the waiver cannot be applied to a grant application submitted in a future round of funding.

Waivers are not required for the items or documents required for a complete grant application such as appraisals or title work.

This policy remains in effect until revised or rescinded.