



VOCA Match Waiver Policy & Procedure

EFFECTIVE 07.01.2019

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Introduction:

This policy addresses match waivers for the Victims of Crime Act (VOCA) Grant program and the procedure the Nebraska Crime Commission (NCC) uses to determine match waivers as the State Administering Agency (SAA) of VOCA funding. Office for Victims of Crime's (OVC) match requirements for VOCA expects subrecipient agencies to contribute twenty percent of the total cost of the VOCA-funded project, excluding federally recognized tribes or tribal land projects (28 CFR 94.118). Match requirements can be fulfilled through cash match (i.e., the value of direct funding for the project, salary for program staff not funded by VOCA or other federal funding) or in-kind match (i.e., volunteer hours or donated office space).

Effective July 01, 2019, The Office of Victims of Crime (OVC) will no longer require OVC prior approval of VOCA subrecipient full or partial match waivers. VOCA match waivers will be approved by the VOCA State Administering Agency, the Nebraska Crime Commission (NCC). As outlined in 28 CFR 94.118(b)(3) match requirements may be waived at the SAA's discretion.

Below are the policy and procedures the Nebraska Crime Commission will use to approve or deny VOCA match waiver requests. If this policy changes, NCC will submit to OVC the revised policy within 30-calendar days of the changes to this policy and will obtain OVC approval of this NCC VOCA Match Waiver Policy and Procedure prior to making a waiver determination pursuant to any policy revisions.

March 2020 Update: OVC has revised the Match Waiver Approval process to allow further flexibility at the SAA level. If unique circumstances apply warranting waiver determinations to be made under a new or revised policy prior to OVC approval of that policy, NCC will consult with the Federal Grant Manager. Should this option be utilized, the revised policy will be submitted via GAN no later than the last day of the Federal fiscal year, or upon request by the Federal Grant Manager.

September 2021 Update: OVC issued a revised Match Waiver Approval Process due to the passage of the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (VOCA Fix) (Public Law No: 117-27), which amended the Victims of Crime Act (VOCA) of 1984 (codified at 24 U.S.C. § 20101 et. seq.) The VOCA Fix, sec. 3, codified at 34 U.S.C. § 20103(a)(7) and (8), allows State Administering Agencies (SAAs) to waive the VOCA Assistance Program matching requirement, which, for the VOCA Assistance Program, is currently set out in 28 C.F.R. § 94.118. It requires SAAs to establish and make public match waiver policies that describe how to request waiver, the eligibility criteria for waiver, and the decision/notification process and report waiver approvals to OVC. It also requires that SAAs issue waivers for subrecipients during a pandemic national emergency, and for one year after it ends, including the national pandemic period beginning on March 1, 2020 and ended May 11, 2024. This updated OVC Match Waiver Approval Process is effective immediately and supersedes prior OVC Match Waiver Process guidance issued in March 2020. An SAA may waive match (either in total or part) without prior OVC approval, provided that the SAA complies with the VOCA Fix requirements and the OVC processes stipulated.

May 2024 Update: With the COVID National Pandemic Emergency Period ending May 11, 2023, SAAs are instructed to continue to waive match through May 11, 2024. Effective May 12, 2024, OVC no longer mandates SAAs to waive match for subrecipients due to a national emergency. OVC requires SAAs to review and approve waiver of match requests under the SAAs established VOCA Match Waiver Policy. The updates made to the NCC VOCA Match Waiver Approval Process is effective immediately and supersedes all NCC VOCA Match Waiver Policy and Procedure guidance issued prior to May 31, 2024.

NCC Match Waiver Policy Overview:

This policy describes the process for three types of VOCA match waivers – those requested by subrecipients, those initiated by NCC, and those mandated under the National Emergencies Act. Match requirements are automatically waived for subrecipients that are federally recognized American Indian or Alaska Native tribes, or projects that operate on tribal lands. All other VOCA subrecipients are encouraged to meet match requirements.

Subrecipients are not penalized for inquiring about, seeking, and/or receiving reasonable and justified match waivers. Match waiver requests may be submitted at the beginning of the subgrant budget period (i.e. at application and/or at the beginning of each subsequent budget period in a multi-year project period). Request submitted at other periods of time should be rare and will be reviewed at the discretion of the VOCA Administrator.

Subrecipient Waiver of Match Request:

NCC encourages applicants and subrecipients to meet VOCA match standards to demonstrate cost-share support of their VOCA funded project and to contribute to sustainability of statewide funding efforts for Nebraska victims of crime. However, unforeseen circumstances can impact an agency's ability to provide direct services and may warrant a waiver of match request.

Such circumstances that NCC may consider include:

- Constraints on local resources (i.e. minimal funding available, limited volunteer capacity, staff recruitment or retention challenges, significant staff turnover);
- Unique/unforeseen situations that impact the normal operations of the subrecipient (i.e. natural disasters, mass violence/victimization events);
- An emergency impacting the subrecipient's ability to contribute match.

If requesting a full or partial waiver of VOCA match, the program's Project Point of Contact must submit a Waiver of Match Request letter for NCC approval, assuring to address all requested information below or the waiver request may be denied.

Waiver of Match Request Letter must include the following information:

- 1) Type-written on the program's agency letterhead, addressed to the assigned NCC Grant Manager, and send to the assigned Grant Manager's email address and NCC.Grant@nebraska.gov;
- 2) Include a brief description of the project and services to be provided by the VOCA project;
- 3) Clearly indicate/describe the hardship and/or type of circumstances that will hinder the program's ability to provide the required level of match, outline the issues related to the project's lack of resources (i.e. volunteers, other funding, in-kind donations);
- 4) Address what methods the organization has used to consider all possible options for meeting the match requirements and outline what steps the organization plans to take to meet future match requirements;
- 5) Address if a match waiver is approved, does the organization anticipate this being a one-time request or are there circumstances that will require a waiver request into subsequent budget years;
- 6) Explain how the denial of a match waiver would impact the proposed or approved VOCA project;

- 7) Advise whether or not the program would have to decline all or part of the subaward if a match waiver is not granted; AND
- 8) Signature from the project's three key personnel: Project Point of Contact, Financial Point of Contact, and the Authorized Official.

Review of Waiver of Match Request and Final Determination Process:

- 1) Once received, the Waiver of Match Request letter will be reviewed by the Grant Manager and forwarded with approval or denial recommendations to the VOCA Grant Administrator within 10-business days from receiving the waiver request from the subrecipient.
- 2) When determining recommendations, the Grant Manager should consider:
 - How is the grant currently being matched? Consider past ability to provide match. (NOTE—OVC generally expects subrecipients to provide at least the same dollar amount of match it provided during the grant year immediately preceding the budget year of the waiver request or the last budget year prior to a National Emergencies Act Mandatory Match Waiver period, unless a change in circumstances justifies a lower amount.)
 - What circumstances exist that impede the organization's ability to partially or fully match the VOCA grant funds requested? (i.e. local resource restraints of a rural community with limited local funding availability or volunteer capacity)
 - Consider what practical and/or logical obstacles to providing match may exist (i.e. natural disasters, mass violence incidents, or when public agencies may have limitations on soliciting contributing funds since they do not engage in private fundraising).
 - Has there been an increase to the VOCA funding where local funding availability has not increased to the same degree?
 - Has the organization considered all possible options for meeting the match with in-kind and cash sources that are not being used as match on another federal grant? If so, what methods has the organization used to consider all possible options for meeting the match requirements?
 - What steps does the organization plan to take in order to be able to meet the match requirement in the future?
 - If a match waiver is approved, does the organization anticipate this to be a one-time request or are there circumstances that will require a waiver request into subsequent budget years?
 - How would the denial of a match waiver impact the VOCA project?
 - Would the program have to decline all or part of the grant award if a match waiver is not granted?

- 3) Grant Manager or designated staff will draft a Match Waiver Recommendation Notification to be sent to the VOCA Administrator that outlines:
 - o Program information, including a brief description of the project/services provided by the applicant;
 - o Justification for Approval or Denial of the waiver; and
 - o The scope of the waiver including the waiver dollar and percentage amount.
 - o NOTE -- Though a dollar amount is calculated, the Grant Manager's actual Recommended Match Waiver amount is a percentage of the applicant's/subgrantee's total project cost. Upon award, the Approved Match Waiver is a fixed percentage that will be applied should the project budget change.
- 4) The VOCA Grant Administrator will review the subrecipient's Waiver of Match Request letter and the Grant Manager's recommendations to make an official final determination.
- 5) The VOCA Grant Administrator will advise the Grant Manager of the final determination of denial or approval of the Waiver of Match Request within 5-business days of receiving the Grant Manager's recommendations.
- 6) No later than 5-business days after final determination, the Grant Manager or designated staff will upload the signed form into the electronic grant management system and send an email notification to the program's Project Point of Contact, Financial Point of Contact, and Authorized Official with the VOCA Match Waiver Final Determination.
- 7) Match Waiver Determination Notification will outline:
 - o A brief description of the project/services provided by the applicant;
 - o Justification for Approval or Denial of the waiver;
 - o The scope of the waiver including the waiver dollar and percentage amount
- 8) The VOCA Grant Administrator or designated staff will submit to OVC a match waiver spreadsheet listing all subrecipient match waivers approved in a federal fiscal year for each relevant federal award no later than 120 days after fiscal year end. This will be submitted to OVC via a Grant Award Modification (GAM) uploaded to JustGrants or in another method as requested by OVC.

NCC-Initiated Waiver of Match:

The Nebraska Crime Commission has the authority to initiate Match Waivers for individual projects, multiple projects, or for all VOCA subrecipients when there is a direct and substantial burden on the subrecipient effectively providing services to victims of crime. NCC-initiated Match Waivers are only to be used when unique circumstances such as the following exist:

- Natural Disasters
- Pandemics or other geographic health crisis
- Mass violence/victimization events
- Internal NCC staff recruitment/retention challenges
- Other events as determined by Nebraska Crime Commission

Procedure:

- 1) VOCA Grant Administrator and/or NCC Executive Leadership determines if one of the above unique circumstances exists.
- 2) Notification of the NCC-initiated Match Waiver will be provided to impacted programs via email communication.
- 3) Projects will be notified on an individual basis of the following:
 - o Dollar Amount and Percentage of the Total Award that Match is being waived;
 - o Waiver effective start and end dates; and
 - o Requirement of subrecipient to revise their active SAR in the OVC Performance Measurement Tool (PMT) System within 30-calendar days of the notification.
- 4) NCC Staff will update the budget and save a copy of the NCC Match Waiver Notice in the electronic grant management system.
- 5) The VOCA Grant Administrator or designated staff will submit to OVC a match waiver spreadsheet listing all subrecipient match waivers approved in a federal fiscal year for each relevant federal award no later than 120 days after fiscal year end. This will be submitted to OVC via a Grant Award Modification (GAM) uploaded to JustGrants or in another method as requested by OVC.

National Emergencies Act Mandatory Match Waiver:

The VOCA Fix, section 3(b), provides the following: “Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. § 1601 et seq.) with respect to a pandemic and ending on the date that is one year after the date of the end of such national emergency, SAAs shall issue waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time.” 34 U.S.C. § 20103(a)(8). NCC must issue match waivers during this time and understands “any matching requirement, in its entirety” to mean the entirety of match required in an open VOCA subaward that remains unmet at the time of the waiver (i.e. not accounted for and reported as match).

Procedure:

- 1) VOCA Grant Administrator and/or NCC staff receives correspondence from OVC of the beginning date of a national emergency being declared under the National Emergencies Act.
- 2) Notification of the National Emergencies Act Mandatory Match Waiver will be distributed to all impacted subgrant programs via email communication.
- 3) Projects will be notified on an individual basis of the following:
 - o Dollar Amount and Percentage of the Total Award that Match is being waived;
 - o Waiver effective date and pending end date; and
 - o Requirement of subrecipient to revise their active SAR in the OVC Performance Measurement Tool (PMT) System within 30-calendar days of the notification.
- 4) NCC Staff will update the budget and save a copy of the NCC Match Waiver Notice in the electronic grant management system.

- 5) The VOCA Grant Administrator or designated staff will submit to OVC a match waiver spreadsheet listing all subrecipient match waivers approved in a federal fiscal year for each relevant federal award no later than 120 days after fiscal year end. This will be submitted to OVC via a Grant Award Modification (GAM) uploaded to JustGrants or in another method as requested by OVC.

At the conclusion of a national emergency period, NCC will honor all mandatory match waivers granted during the emergency period until the end of the budget period of the applicable VOCA subaward for which match was waived. New VOCA subawards or discretionary renewals/continuations made after the end of the National Emergency period will not qualify for the expired National Emergency Mandatory Match Waiver but are eligible for consideration under the Subrecipient Waiver of Match process outlined in this document.



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