

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT**

Colorado Nonprofit Security Grant

Program 8 CCR 1507-47

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

The General Assembly enacted section 24-33.5-1622 (2)(d), C.R.S. via House Bill 22-1077 to create the Colorado Nonprofit Security Grant Program, effective June 7, 2022. The Division of Homeland Security and Emergency Management promulgated rules and regulations concerning the administration of this grant program, including application and award criteria, applicable costs, reporting requirements, and time frames associated with the application process and the distribution of grant funds.

The Director of the Division of Homeland Security and Emergency Management adopted these amended rules, effective September 30, 2023. In mid-FY 23-24, the state legislature allocated additional money to the grant fund for distribution to existing program applicants in the regular application cycle within the remainder of the fiscal year.

The purpose of this emergency rulemaking is to amend the adopted rules as soon as practicable to provide program applicants sufficient time to apply for and to spend the awarded funds by the end of the State of Colorado fiscal year. Because the statute is necessary for the preservation of public safety, delay in the distribution of additional fund money to existing program applicants would be contrary to the statutory provisions. The absence of implementing these amended rules to carry out the purpose of the statute would be contrary to this declaration. For these reasons, it is imperatively necessary that the proposed rules be adopted.



Kevin Klein

Director, Division of Homeland Security and Emergency Management

23 January 2024
Date of Adoption

Colorado Department of Public Safety

Division of Homeland Security and Emergency Management

Colorado Nonprofit Security Grant Program

8 CCR 1507-47

1. Authority

This regulation is adopted pursuant to the authority in section 24-33.5-1622 (2) (d), C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq., C.R.S. (the "APA").

2. Scope and Purpose

This regulation shall govern the implementation of the Colorado Nonprofit Security Grant Program, which includes the time frames for applying for grant funds, eligibility requirements for grant funds, the application process, and the time frames for distributing grant funds.

3. Applicability

The provisions of these rules shall be applicable to all eligible applicants and recipients of grant funds as provided by law.

4. Definitions

"Award" means a financial assistance grant that provides support to accomplish a public purpose given by the state to an eligible recipient.

"The Federal Program" means the Nonprofit Security Grant Program (NSGP) administered by the Department of Homeland Security Federal Emergency Management Agency (FEMA).

"Financial Need" means the inability of a nonprofit organization to meet the financial requirements from the organization's general operating funds for the security related activities requested as part of the grant application process.

"Grant program" means the Colorado Nonprofit Security Grant Program that provides grants to nonprofits as set forth in § 24-33.5-1622 (2)(b), C.R.S.

"Period of Performance" means the period of time during which the recipient is required to complete the grant activities and to receive and expend approved funds.

"Project Implementation Plan" means a written form or other document determined by the state agency to outline the steps necessary to achieve grant objectives.

"Quarterly Progress Report" means a written form or other document determined by the state agency to indicate and report the operational and financial activity of the recipient during the time period specified.

"Recipient" means an eligible applicant receiving an award.

"Reimbursement Request" means a written form or other document determined by the state agency to be used by the grant recipient to request reimbursement from grant award funds for approved expenditures.

"Summary Report" means a written form or other document determined by the state agency allowing the grant award recipients to report the final operational and financial activity of the awarded grant

funds.

5. Program Requirements

5.1 Eligibility

- A. Applicant must be a nonprofit entity meeting the federal requirements as described in the Notice of Funding Opportunity for the Federal Nonprofit Security Grant Program with the primary place of business in the state of Colorado in order to apply.
- B. Eligible entities are required to have applied for the Federal Program, but not yet have been selected to receive a grant under the Federal Program to be eligible to apply.
- C. Eligible entities must submit an application developed by the Division of Homeland Security and Emergency Management Office of Grants Management in conformance with the application and the terms of the program guidance described below.
- D. Eligible entities must indicate in the application that the grant funds will be used for the following security related activities and purposes, including, but not limited to:
 - 1. The installation of security equipment on real property owned or leased by the nonprofit organization;
 - 2. Security-related planning, exercises, training, and contracted security personnel;
 - 3. New or existing infrastructure, except that priority must be given to existing infrastructure projects; and
 - 4. Any other security enhancements approved by the division and in accordance with the allowable costs under the federal program.
- E. The grant agreement between the State and the recipient(s) of grant funds will specify additional requirements, including, but not limited to, performance measures, reporting requirements, and monitoring of the recipient activities and expenditures related to the grant funds.

5.2 Award Details

- A. Period of Performance: Seven (7) months
- B. Funding Instrument: Discretionary Grant

5.3 Time Frames for Application, Award Notification, and Fund Distribution

The time frames for any year that the state legislature allocates funding for the program are:

Application Submission Deadline:	Second Monday in October at 11:59 PM MDT
Grant Awarded to Applicants Deadline:	First Monday in November
Grant Award Notification on Website:	Five (5) business days after the first Monday in November
Grant Fund Distribution Deadline:	Thirty (30) days after the first Monday in November
Period of Performance:	Seven (7) Months

5.4 Restrictions

- A. Applications that are not submitted by the stated Application Submission Deadline will not be reviewed or considered for funding.
- B. Pre-Award Costs are NOT allowed under this program (costs incurred or work completed prior to the award date).

5.5 Application Submissions

Applicants must submit their completed, signed application via email or other delivery methods as listed and allowed in the grant application and accompanying guidance.

5.6 Grant Guidance

The DHSEM Office of Grants Management is responsible for the implementation of this grant program and will develop and publish a grant application and guidance. Grant guidance will include the following reporting requirements:

1. A Project Implementation Plan;
2. Quarterly Progress Reports;
3. A Summary Report upon completion of the project; and
4. Reimbursement Requests.

5.7 Additional Funding

- A. In the event additional funding is added to the program after the regular application timeline has passed, funding will be allocated to eligible existing applicants from the regular application cycle.
- B. For any year that the state legislature allocates additional funding for the program, the time frames for grant award notification and distribution will be:

Grant Awarded to Applicants Deadline:	Five (5) business days after additional funds are awarded
Grant Award Notification on Website:	Five (5) business days after grant awarded to applicants
Grant Fund Distribution Deadline:	Thirty (30) days after grant awarded to applicants
Period of Performance:	End of State of Colorado fiscal year (June 30)

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY AND EMERGENCY
MANAGEMENT**

Colorado Nonprofit Security Grant Program

8 CCR 1507-47

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

The General Assembly enacted section 24-33.5-1622 (2) (d), C.R.S. via House Bill 22-1077 to create the Colorado Nonprofit Security Grant Program, effective . The bill was signed into law on June 7, 2022. The statute mandated that by August 30, 2022, “the Director of the Division of Homeland Security and Emergency Management shall promulgate rules and regulations concerning the administration, applicable costs, application and award criteria, reporting requirements, and time frames for applying for and distributing funds associated with the grant program.” DHSEM adopted emergency rules on June 30, 2022, in order to meet this statutory deadline. The Division of Homeland Security and Emergency Management promulgated rules and regulations concerning the administration of this grant program, including application and award criteria, reporting requirements, and time frames associated with the application process and the distribution of grant funds.

The Director of the Division of Homeland Security and Emergency Management adopted these amended rules, effective September 30, 2023. In mid-FY 23-24, the state legislature allocated additional money to the grant fund for distribution to existing program applicants in the regular application cycle within the remainder of the fiscal year.

The purpose of this rule making is to establish permanent rules to supercede the emergency rules adopted on June 30, 2022. The absence of implementing permanent rules to carry out the purpose of the statute would be contrary to the statute.

The purpose of this emergency rulemaking is to amend the adopted rules as soon as practicalbe to provide program applicants sufficient time to apply for and to spend the awarded funds by the end of the State of Colorado fiscal year. Because the statute is necessary for the preservation of public safety, delay in the distribution of additional fund money to existing program applicants would be contrary to the statutory provisions. The absence of implementing these amended rules to carry out the purpose of the statute would be contrary to this declaration. For these reasons, it is imperatively necessary that the proposed rules be adopted.

Kevin Klein

Director, Division of Homeland Security and Emergency Management

Date of Adoption

Colorado Department of Public Safety

Division of Homeland Security and Emergency Management

24 CCR 33.5-1622

Colorado Nonprofit Security Grant Program

8 CCR 1507-47

1. Authority

This regulation is adopted pursuant to the authority in section 24-33.5-1622 (2) (d), C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq., C.R.S. (the “APA”).

2. Scope and Purpose

This regulation shall govern the implementation of the Colorado Nonprofit Security Grant Program, which includes the time frames for applying for ~~these grants~~ grant funds, eligibility requirements for grant applicants, the ~~form of the grant program~~ application process, and the time frames for distributing grant funds.

3. Applicability

The provisions of these rules shall be applicable to all eligible applicants and recipients of grant funds as provided by law.

4. Definitions

“Award” means a financial assistance grant that provides support to accomplish a public purpose given by the state to an eligible recipient.

“The Federal Program” means the Nonprofit Security Grant Program (NSGP) administered by the Department of Homeland Security Federal Emergency Management Agency (FEMA).

“Financial Need” means the inability of a nonprofit organization to meet the financial requirements from the organization’s general operating funds for the security related activities requested as part of the grant application process.

“Grant program” means the Colorado Nonprofit Security Grant Program that provides grants to nonprofits as set forth in 24-33.5-1622 (2)(b), C.R.S.

“Period of Performance” means the period of time during which the recipient is required to complete the grant activities and to receive and expend approved funds.

“Project Implementation Plan” means a written form or other document determined by the state agency to outline the steps necessary to achieve grant objectives.

“Quarterly Progress Report” means a written form or other document determined by the state agency to indicate and report the operational and financial activity of the recipient during the time period specified.

“Recipient” means an eligible applicant receiving an award.

“Reimbursement Request” means a written form or other document determined by the state agency to be used by the grant recipient to request reimbursement from grant award funds for approved expenditures.

“Summary Report” means a written form or other document determined by the state agency allowing the grant award recipients to report the final operational and financial activity of the awarded grant funds.

~~“Reimbursement Request” means a written form or other document determined by the state agency to be used by the grant recipient to request reimbursement from grant award funds for approved expenditures.~~

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5. Program Requirements

5.1 Eligibility

- A. Applicant must be a nonprofit entity meeting the federal requirements as described in the Notice of Funding Opportunity for the Federal Nonprofit Security Grant Program with the primary place of business in the state of Colorado in order to apply.
- B. Eligible applicants entities are required to have ~~submitted an application~~ applied for the Federal Program, but not yet have been selected to receive a grant under the Federal Program to be eligible to apply.
- C. Eligible applicants entities must submit an application developed by the Division of Homeland Security and Emergency Management Office of Grants Management in conformance with the application and the terms of the program guidance described below.
- D. Eligible applicants entities must indicate in the application that the grant funds will be used for the following security related activities and purposes, ~~(including, by~~ but ~~not limited to):~~
 - 1. The installation of security equipment on real property owned or leased by the nonprofit organization;
 - 2. Security-related planning, exercises, training, and contracted security personnel;
 - 3. New or existing infrastructure; ~~;~~ except that priority must be given to existing infrastructure projects; and
 - 4. Any other security enhancements approved by the division and in accordance with the allowable costs under the federal program.
- E. The grant agreement between the State and the recipient(s) of the grant program funds will specify additional requirements, including, but not limited to: ~~;~~ performance measures, reporting requirements, and monitoring of recipient~~s~~ activities and expenditures related to the grant funds.

5.2 Award Details

- A. Period of Performance: Seven (7) months
- B. Funding Instrument: Discretionary Grant

5.3 Time Frames for Application, Award Notification, and Fund Distribution

The Time frames line for any year that the state legislature allocates funding for the program are:

Application Submission Deadline:	Second Monday in October at <u>by</u> 11:59 PM MDT
Grant Awarded to Applicants Deadline:	First Monday in November
Grant Award Notification on Website:	<u>Five (5)</u> business days after the first Monday in November
Grant Fund Distribution Deadline:	Thirty <u>(30)</u> days after the first Monday in November
Period of Performance:	<u>Seven (7)</u> Months

5.4

Restrictions

- A. Applications that are not submitted by the stated Application Submission Deadline will not be reviewed or considered for funding.
- B. Pre-Award Costs are NOT allowed under this program (costs incurred or work

completed prior to the award date).2

5.5 Application Submissions

- A- Applicants must submit their ~~acceptable~~ completed signed application via email or other delivery methods as listed and allowed in the grant application and accompanying guidance.

5.6 Grant Guidance

The DHSEM Office of Grants Management is responsible for the implementation of this grant program and will develop and publish a grant application and guidance. Grant guidance will include the following reporting requirements:

1. A Project Implementation Plan;
2. Quarterly Progress Reports;
3. A Summary Report upon completion of the project; and
4. Reimbursement Requests.

5.7 Additional Funding

A. In the event where additional funding is added to the program after the regular application timeline has passed, the following program requirements will apply. Funding will be allocated to eligible existing applicants from the regular application cycle.

~~A Funding will be allocated to existing applicants eligible in the regular application cycle.~~

B Timeline For any year that the state legislature allocates additional funding for the program, the time frames for grant award notification and distribution will be:÷

<u>Grant Awarded to Applicants Deadline:</u>	<u>Five (5) business days after additional funds are awarded</u>
<u>Grant Award Notification on Website:</u>	<u>Five (5) business days after Grant Awarded to Applicants</u>
<u>Grant Fund Distribution Deadline:</u>	<u>Thirty (30) days after Grant Awarded to Applicants</u>
<u>Period of Performance:</u>	<u>End of State of Colorado fiscal year (June 30)</u>