

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
CRIMINAL JUSTICE COUNCIL

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Delaware Criminal Justice Council VOCA/OVC Match Waiver Policy

VOCA recipients are required to provide a 20% match share of the overall requested budget (28 CFR 94.118) unless a Waiver of Match has been approved. Match requirements may be waived for programs that can provide documentation of need as outlined in 28 CFR 94.118(b)(3) of the VOCA Victim Assistance Final Program Guidelines or as otherwise outlined herein.

Effective July 22, 2021, The VOCA Fix to Sustain the Crime Victims Fund Act of 2021 was enacted. Section 3, Waiver of Matching Requirement, provides that each state must establish and make public a policy regarding match waivers, and that beginning on the date a national emergency is declared with respect to a pandemic and ending one year after the expiration of such national emergency, match waivers shall be issued for all eligible programs to waive the VOCA match requirements in their entirety. The Council has developed policy and procedure to be used as a guide for approving VOCA match waivers. If this policy changes, the Council will submit the revised policy to OVC within thirty (30) calendar days of the changes to this policy.

The DE Criminal Justice Council (CJC) will follow the September 2021 recommended OVC Match Waiver policy (attached) and process as listed below:

DE CJC generally will encourage subrecipients to meet match requirements. DE CJC will monitor compliance with match appropriately throughout the subaward.

A. Match waivers, whether full or partial, will be submitted in writing and well-justified.

Waivers should be submitted at least forty-five (45) days prior to a subaward end date. At a minimum, DE CJC will consider:

1. practical and/or logistical obstacles to providing match (e.g., public agencies that do not engage in private fundraising and may have limitations on soliciting contributing funds);
2. local resource constraints (e.g., rural community with limited local funding availability or volunteer capacity);
3. VOCA funding where local funding availability has not increased to the same degree;
4. past ability to provide match – OVC generally expects subrecipients to provide at least the same dollar amount of match it provided during the grant year immediately preceding the year of the waiver request unless a change in circumstances justifies a lower amount.

B. Match waiver determination letters will (at a minimum) set out for each project:

1. the determination
2. the justification (consistent with the considerations under the applicable waiver guidance);
3. the scope of the waiver and waiver amount for each applicable federal award (unless specified otherwise by the DE CJC, the waiver amount should create an equivalent match waiver percentage to be applied should the project budget change)

C. Waivers are to be applicable only for the duration of the subrecipient project (i.e., not in perpetuity) and will be filed in the appropriate subrecipient project file.

D. Waivers for a Class of Subrecipients. The DE CJC may issue waivers that apply to more than one subaward provided that the SAAs include reasonable and adequate justification pursuant to their policies. SAAs may allow subrecipients to decline match waivers.

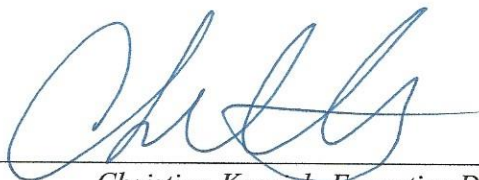
E. The DE CJC will submit each match waiver determination to OVC (via GAN, or as otherwise specified by OVC) by no later than 90 days after fiscal year end.

F. OVC prior approval is required for any match waiver requested by a subrecipient within the 30 days before the subaward project end date, or after that date.

G. All match waivers will be approved and signed by the Executive Director of the DE CJC.

H. National Emergency Match Waiver Process: Effective July 22, 2021, if a national emergency has been declared with respect to a pandemic under the National Emergencies Act (50 U.S.C. 1601 et. seq.), then waivers shall be issued for all eligible subrecipients, beginning on the date such national emergency is declared and ending one year after the date such national emergency ends. (Proclamation 9994, issued March 13, 2020, declared a national emergency related to the COVID-19 pandemic, which remains in effect and is ongoing.) In the event of a national emergency requiring a mandatory match waiver, the CJC will notify subrecipients in writing of the match waiver. Budget modifications will be submitted through Egrants and approved within ten (10) business days. Subrecipients wishing to continue reporting match will submit this information in writing from the agency signing authority.

I. Expiration of the National Emergency Pandemic Period: At the conclusion of a national emergency pandemic period, SAAs should honor all match waivers granted during that period until they expire at the end of the applicable VOCA subaward for which match was waived. New VOCA subawards or discrete renewals or continuations made after the end of that period would no longer qualify for mandatory match waiver. Any match waiver requests for those subawards should be considered under the SAAs ordinary match waiver process, outlined above.



Christian Kervick, Executive Director

*Updated December 2021
This Policy has been reviewed and approved.*

12/13/21
Date