

OHIO AUDITOR OF STATE KEITH FABER



**Auditor of State
Bulletin 2021-004**

DATE ISSUED: **April 7, 2021**
 June 2021 – Revised
 January 2023 – Updated for the Passage of Time
 August 2025 – Revised (See edits in ~~strikeout~~ and double underlined font)

TO: **All Public Offices**
 All State Agencies
 Independent Public Accountants

FROM: **Keith Faber**
 Ohio Auditor of State

SUBJECT: **Separate Accountability for Federal Programs Authorized by the
American Rescue Plan Act of 2021**

The American Rescue Plan Act of 2021 (Pub. L. No. 117-2) ([ARP](#)), a \$1.9 trillion economic COVID-19 stimulus package, was signed into law on March 11, 2021. ARP provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses. As part of this package, \$350 billion in additional funding is being provided to state and local governments, as well as additional funding for other areas including, but not limited to, education, rental assistance and transit.

The Auditor of State (AOS) encourages local governments and other recipients of ARP funds to consult with their legal counsel as they plan to utilize ARP funds, given the ~~recent~~ enactment of ARP and guidance from pertinent federal agencies regarding the administration of ARP programs. Additionally, just as with the CARES Act funds, the AOS recommends that each government entity accepting ARP funds clearly document their rationale for each expenditure of ARP funds, ideally through legislation adopted by the entity's legislative body explaining how the expenditure meets the legal requirements of ARP. To aid in our future audit work, we also ask that each expenditure be carefully tracked and documented. Finally, recall that these federal funds are short term funds and that entities should not build these amounts into projects, programs, or operations that require a long-term source of revenue beyond the ARP funding period. The AOS will endeavor to bring what clarity it can to local governments as new information becomes available from the federal government agencies administering ARP programs.

The purpose of this bulletin is to emphasize the separate accountability of federal funds and provides accounting guidance for significant ARP programs. The Federal Funding Accountability and Transparency Act (FFATA) requires separate accountability for direct recipients as well as subrecipients of federal awards greater than \$30,000.¹ This transparency is usually accomplished through the use of separate funds, subfunds or Special Cost Centers (SCCs) within existing funds. Additionally, Ohio Rev. Code §5705.09 requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax, which the law (i.e., terms and conditions of a federal program) requires to be used for a particular purpose. Local governments do not need to seek AOS approval for establishing funds for new COVID-19 federal programs.²

Separate Accountability of Federal Programs Guidance

Among the significant new Federal programs the ARP creates are the U.S. Department of Treasury's Coronavirus State and Local Fiscal Recovery Funds, Coronavirus Capital Projects Fund, and Local Assistance and Tribal Consistency Fund. Treasury will distribute the funding for these programs as follows:

State Fiscal Recovery Fund

- Requires a separate fund.
- Reported under assistance listing number (CFDA number) 21.027.
- Available for costs obligated through December 31, 2024 and liquidated through December 31, 2026, with the exception of projects within the Surface Transportation projects and Title I projects eligible use categories for which recipients must liquidate funds by September 30, 2026.
- \$195.3 billion to the 50 states and DC, distributed as follows:
 - \$25.5 billion divided equally among the states and DC, no less than \$500 million per state
 - \$754.9 million in additional aid specified for DC
 - \$169.045 billion to the states based on unemployment data from the fourth quarter of calendar year 2020.
- State of Ohio is estimated to get over \$5 billion.
- Broad definition of allowable uses including provision of government services up to the amount of lost revenue, negative economic impact of the pandemic, premium pay for essential workers (i.e., an additional amount up to \$13 per hour that is paid to an eligible worker as defined by the local CEO for work during the COVID-19 pandemic, capped at \$25,000 per worker), ~~and~~ broad investments in water, sewer, or broadband infrastructure, surface transportation projects, Title I projects, and emergency relief from natural disasters.

¹ This threshold was previously \$25,000 and was amended effective August 13, 2020 to the \$30,000.

² Local governments should refer to the Auditor of State's [COVID-19 Resources](#) page for additional information, as it becomes available.

- The State is allowed to transfer funds to a private nonprofit organization, a public benefit corporation involved in the transportation of passengers or cargo or a special-purpose unit of State or local government.³
 - Subrecipients of the State Fiscal Recovery Fund must establish a separate fund to account for the award.
- The State cannot use Fiscal Recovery Funds to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation during the covered period.
- The State is also precluded from making deposits into pension funds. Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. Payroll contributions, which occur when employers make payments into pension funds on regular intervals, with contribution amounts based on a pre-determined percentage of employees’ wages and salaries are eligible expenses. In general, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds.
- Other allowable and unallowable uses are noted in U.S. Treasury’s [Final Rule](#). See also additional guidance, FAQs and other resources available on the U.S. Treasury’s website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.

Local Fiscal Recovery Fund

- Requires a separate fund.
- Reported under assistance listing number (CFDA number) 21.027.
- Available for costs obligated through December 31, 2024 and liquidated through December 31, 2026, with the exception of projects within the Surface Transportation projects and Title I projects eligible use categories for which recipients must liquidate funds by September 30, 2026.
- **Counties** – Treasury will directly allocate \$65.1 billion to counties based on the county’s population. Counties that are CDBG recipients will receive the larger of the population or CDBG-based formula.
- **Metropolitan Cities** – Treasury will directly allocate \$45.57 billion to jurisdictions that are Community Development Block Grant (CDBG) entitlement jurisdictions (i.e., those with populations >50,000)
- **Pass-Through Assistance to Non-entitlement Units of Local Government** – Treasury will allocate \$19.53 billion to the State to pass down to non-entitlement jurisdictions (i.e., those with populations <50,000) according to population. The State’s allocation amounts must not exceed seventy-five percent of the local jurisdiction’s most recent budget as of January 27, 2020.

³ Treasury’s final rule clarifies that the lists of transferees (subrecipients) in sections 602(c)(3) and 603(c)(3) are not exclusive. The final rule specifies that eligible subrecipients include, but are not limited to, other units of government (including Tribal governments), nonprofits and other civil society organizations, and private entities and transfers (subgrants) may be made to both constituent or non-constituent units of government.

- Broad definition of allowable uses including provision of government services up to the amount of lost revenue, negative economic impact of the pandemic, premium pay for essential workers (i.e., an additional amount up to \$13 per hour that is paid to an eligible worker as defined by the local CEO for work during the COVID-19 pandemic, capped at \$25,000 per worker), ~~and~~ broad investments in water, sewer, or broadband infrastructure, surface transportation projects, Title I projects, and emergency relief from natural disasters.
- Local governments are allowed to transfer funds to a private nonprofit organization, a public benefit corporation involved in the transportation of passengers or cargo, a special-purpose unit of State or local government, or the State of Ohio.⁴
 - Subrecipients of the Local Fiscal Recovery Fund must establish a separate fund to account for the award.
- Local governments are precluded from making deposits into pension funds. Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. Payroll contributions, which occur when employers make payments into pension funds on regular intervals, with contribution amounts based on a pre-determined percentage of employees’ wages and salaries are eligible expenses. In general, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds.
- Other allowable and unallowable uses are noted in U.S. Treasury’s [Final Rule](#). See also additional guidance, FAQs and other resources available on the U.S. Treasury’s website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.

Coronavirus Capital Projects Fund

- Requires a separate fund.
- Available until expended.
- \$10 billion for states, territories, and tribal governments to carry out critical capital projects, specifically related to enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.
- Each state, the District of Columbia and Puerto Rico will receive a minimum allocation of \$100 million. Additional amounts will be allocated to territories and tribal governments.
- Of the remaining funds, states would receive an additional allocation based on population (50 percent), number of individuals living in rural areas as a percentage of the U.S. rural population (25 percent), and proportion of the state’s population of households living in poverty.
 - Subrecipients of the State Coronavirus Capital Projects Fund must establish a separate fund to account for the award.

⁴ Additionally, Treasury’s final rule clarifies that the lists of transferees (subrecipients) in sections 602(c)(3) and 603(c)(3) are not exclusive. The final rule specifies that eligible subrecipients include, but are not limited to, other units of government (including Tribal governments), nonprofits and other civil society organizations, and private entities and transfers (subgrants) may be made to both constituent or non-constituent units of government.

- See U.S. Treasury's information at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund>.

Local Assistance and Tribal Consistency Fund

- Requires separate accountability. For additional information, refer to Auditor of State Bulletin 2022-011.
- An additional \$1.5 billion is provided for eligible revenue sharing counties (notably public land counties that receive Payment-in-Lieu-of Taxes (PILOT) and Secure Rural School (SRS) payments), with \$750 million allotted each year for federal Fiscal Years 2022 and 2023.
- U.S. Treasury will be responsible for determining the funding formula, taking into account the economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates as well as other economic indicators, over the 20-year period ending with Sept. 30, 2021.
- Eligible counties may use these funds for any governmental purpose other than a lobbying activity.
 - Subrecipients of a county's Consistency Fund must separately account for the award.

Additionally, ARP provides a third round of federal funding to the following programs originally established by the CARES Act and supplemented by the Consolidated Appropriations Act of 2021:

- **Education and Secondary School Emergency Relief Fund (ESSER) III** - Additional funding with some new requirements. Schools must reserve at least 20 percent of this round of ESSER to carry out activities related to learning loss. Also, recipients will have to submit a plan on reopening.
 - Schools should utilize Fund 507 to account for ESSER CARES Act funds.
 - Two separate SCCs within Fund 507 should be used to separately account for ESSER II (authorized by the Consolidated Appropriations Act of 2021) and ESSER III (authorized by ARP) since there are slight variations to compliance requirements for each of these allocations of funding.
- **Governors Education Emergency Relief Fund (GEER) III** – Additional funding for Emergency Assistance to Nonpublic Schools to provide services and assistance to nonpublic schools that enroll a significant percentage of low-income students and are most impacted by the pandemic.
 - Educational Service Centers and Boards of DD should utilize Fund 508 to account for GEER CARES Act funds.
 - Two separate SCCs within Fund 508 should be used to separately account for GEER II (authorized by the Consolidated Appropriations Act of 2021) and GEER III (authorized by ARP) since there are slight variations to compliance requirements for each of these allocations of funding.
 - Boards of DD should utilize separate funds, subfunds, or SCCs to account for GEER I, II, and III, respectively.

- **Higher Education Emergency Relief Fund (HEERF) III** - Additional funding with slightly different allowable uses as compared to the distributions previously made under the CARES Act and Consolidated Appropriations Act of 2021.
 - Schools with adult education programs, including career centers, should utilize up to three SCCs within Fund 012 to separately account for HEERF awards received under the CARES Act, Consolidated Appropriations Act of 2021, and ARP.
 - Schools that utilized a 599 Fund instead of SCCs within Fund 012 to account for HEERF funding should establish up to two SCCs within Fund 599 to separately account for HEERF awards under the Consolidated Appropriations Act of 2021 and ARP.
- Supplemental assistance to local governments in the Emergency Rental Assistance program established under the Consolidated Appropriations Act of 2021, FEMA Disaster Relief program, Airport Assistance Grants, Federal Transit Grants, Low-Income Water and Home Energy Assistance programs, and assistance to individuals, including but not limited to the Pandemic EBT program, Unemployment Insurance, Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants and Children (WIC), and Community Supplemental Food Program.
- Other programs/assistance may be available through various Federal Agencies as they are developed. The programs/assistance listed in this bulletin is not all inclusive.

ARP also provides states and local governments access to emergency paid sick time and paid family leave credits under the Families First Coronavirus Relief Act (FFCRA). Access to credits will be for leave provided March 31, 2021 through September 30, 2021.

Reimbursement, Revenue Reallocation & Other Accounting Guidance

Since the beginning of the Pandemic, this office has received numerous questions about proper accounting treatment for COVID-19 federal funding awards. As the COVID-19 federal programs have evolved, the accounting treatment, particularly reimbursement accounting, has increased in complexity for many programs. We encountered this with the Coronavirus Relief Fund, which had broad accounting implications across multiple funds, depending upon how the local government chose to spend its resources.

Similarly, the Local Fiscal Recovery Fund has very broad allowable uses and upon initial receipt, the local government may not know exactly how the dollars will ultimately be used. The Auditor of State recommends all Local Fiscal Recovery Fund expenditures be recorded in a single fund. However, certain exceptions will need to be made. As the allowable costs are determined, some of these funds will be best distributed to the various funds through a billing/revenue reallocation process. The following are some general guidelines for accounting for the broad activities of the Local Fiscal Recovery Fund:

- a. Place the Local Fiscal Recovery Fund award (i.e., receipts) into a special revenue fund called the “Local Fiscal Recovery Fund.”
- b. Pay costs directly from the special Local Fiscal Recovery Fund as often as practicable. For example, local governments making subawards to individuals, not-

for-profits, etc. can account for these subawards as direct charges to the special Local Fiscal Recovery Fund. In addition, expenditures related to the government services up to the amount of lost revenue can also be recorded as direct charges to the special Local Fiscal Recovery Fund. Items c and d provide examples of when recording expenditures in the Local Fiscal Recovery Fund is not practicable.

- c. Proprietary fund accounting highlights the extent to which charges for services cover the cost of providing goods and services; therefore, all costs should be reflected within the respective proprietary funds. Option b above does not align with the focus of proprietary accounting, meaning recording proprietary fund expenditures in the Local Fiscal Recovery Fund is not practicable. In keeping with proprietary fund accounting, local governments should continue to charge those costs to the appropriate proprietary funds. The local government can use a billing/revenue reallocation process to redistribute the Local Fiscal Recovery revenue. This reallocation process is achieved by reducing the revenue in the Local Fiscal Recovery Fund and increasing revenue in the fund(s) that made the original allowable federal program payment. Local governments should take due care to document, in detail, the revenue reductions and reallocation of the Local Fiscal Recovery Fund revenue to other funds. This documentation will serve as the audit trail and support for allowable costs. Therefore, the local government should create an itemized “bill” of eligible costs incurred by another fund(s) to support the reallocation of the Local Fiscal Recovery Fund monies into another fund to cover those costs (i.e., dollar for dollar). The Auditor of State recommends this process be completed periodically, recommended at a minimum monthly, given the large volume of activity related to this program and the risk of potential errors that could occur as these amounts aggregate over time.
- d. There may be challenges to recording certain employee payroll deductions in the Local Fiscal Recovery Fund. As a result, the allowable payroll eligible for federal program reimbursement can remain in the original fund and the billing/revenue reallocation process described in item c. above would be appropriate.
- e. The billing/revenue reallocation process has the originating fund paying for the allowable program costs until they can be billed and revenue reallocated from the Local Fiscal Recovery Fund to the originating fund. For cash flow reasons, this may not always be possible, in which case an upfront billing process can be used. The originating fund can prepare an upfront billing based on estimated costs to be incurred. The local government reallocates revenue, as described in item c. above, based on the estimated costs to be incurred. The Auditor of State recommends this process be completed periodically, recommended at minimum monthly, given the large volume of activity related to this program and the risk of potential errors that could occur as these amounts aggregate over time. Once the eligible costs are paid by the originating fund(s), the local government should create an itemized “bill” of eligible costs incurred by ~~another the originating~~ fund(s) to true-up the reallocation of the Local Fiscal Recovery Fund revenue monies into ~~another the originating~~ fund(s) to cover ~~those the actual~~ costs.
- f. An appropriation for the newly created special Local Fiscal Recovery Fund is effectively created by operation of Ohio Rev. Code §5705.42. Ohio Rev. Code

§5705.42 indicates Federal and State grants or loans are “deemed appropriated” for such purpose by the taxing authority as provided by law. In addition, those moneys are also treated as if they are in the process of collection by the fiscal officer of the subdivision. This means that under Ohio Rev. Code §5705.42, the moneys are treated by the fiscal officer as if they have been appropriated for a specific purpose, without requiring the taxing authority to adopt an amended appropriation measure. However, the fiscal officer should include the appropriated amounts on the (amended) certificate, if the legislative authority intends to appropriate and expend the excess revenue. The fiscal officer should also record the estimated revenues from the amended certificate and appropriation in the accounting system. The “deemed appropriated” criteria applies to the Local Fiscal Recovery Fund, but not to the funds to which the revenue is reallocated. The funds receiving the reallocation will need to estimate receipts and appropriate in the traditional manner.

Caution: The *Reimbursement, Revenue Reallocation & Other Accounting Guidance* above applies only to the Local Fiscal Recovery Fund and should not be applied to other funding sources.

Local governments on the Uniform Accounting Network (UAN) system should refer to UAN for information on how to properly handle reductions of expenditures and reallocation of receipts in the UAN system. For guidance UAN provided to users to reallocate/reimburse receipts and expenditures using Coronavirus Relief Fund awards, click [here](#). Similar steps will apply to Local Fiscal Recovery Fund reimbursements.

Accounting for Local Fiscal Recovery Fund monies could generate reimbursements. The Auditor of State’s office recommends that every local government consult its own legal counsel for advice pertinent to the local government’s particular situation to ensure that ORC 5705.14-.16 are not violated. Where disagreement over the application of a rule or statute arises, AOS will give all due consideration to a well-reasoned legal opinion provided by the local government’s legal counsel.

As a reminder, refunds of prior year receipt/expenditure (if used when expenditures and reimbursements are in different fiscal years) are not allowable other financing sources/uses and should be reclassified. Similarly, neither should interfund reimbursements be reported as transfers under any reporting framework (GAAP, OCBOA, or AOS Regulatory). Interfund reimbursements, regardless of the method of recording them in the accounting system, are reported as an expenditure/expense in the fund ultimately responsible and as a reduction of expenditure/expense in the fund being reimbursed on the financial statements. These reclassifications along with elimination of any duplicate receipts or expenditures resulting from reimbursement accounting should be made during the financial statement compilation process, prior to filing in the Hinkle System for all reporting frameworks (GAAP, OCBOA, and AOS Regulatory).

GASB Cod. 1800.102 defines “Interfund Reimbursements” as “repayments from the funds responsible for particular expenditures or expenses to the funds that initially paid for them.” However, questions sometimes arise about whether such reimbursements, adjustments to balances

of funds, or billing/revenue reallocation constitutes “transfers” under Ohio Rev. Code §§ 5705.14-16. The Auditor of State’s office recommends that every local government consult its own legal counsel for advice pertinent to the local government’s particular situation to ensure that the transfer provisions, Ohio Rev. Code §§ 5705.14-16, are not violated. Where disagreement over the application of a rule or statute arises, AOS will give all due consideration to a well-reasoned legal opinion provided by the local government’s legal counsel.

Single Audit Extension and Other Items

On March 18, 2021, the U.S. Department of Treasury issued [FACT SHEET: The American Rescue Plan Will Deliver Immediate Economic Relief to Families](#) and on March 19, 2021, the Federal Office of Management and Budget (OMB) issued memorandum [M-21-20](#) to address the effective implementation of the American Rescue Plan (ARP) Act and stewardship of the taxpayer resources. Notably, OMB M-21-20 authorizes an automatic six-month extension for states and local governments that have that have fiscal year-ends through June 30, 2021, and have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the memorandum to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR §200.501. However, recipients and subrecipients must maintain documentation of the reason for the delayed filing. Recipients and subrecipients taking advantage of this extension will still qualify as a "low-risk auditee" under the criteria of 2 CFR §200.520(a). (2 CFR §200.501).

In light of the significant influx in COVID-19 federal funding, we have received several questions from local governments about whether audit costs can be charged to federal programs. We remind local governments about 2 CFR §200.425 of subpart E of the Uniform Guidance which indicates, with certain caveats, that a reasonably proportionate share of the costs of Single Audits are allowable costs, where the federal agency has adopted this portion of the Uniform Guidance into its programmatic guidance. Local government auditors will provide a breakdown of hours directly attributable to the Single Audit for allocating these costs. Audit costs not associated with a Single Audit and audit costs related to performance audits are unallowable costs under the Uniform Guidance.

Questions

This bulletin is not intended to answer all ARP questions governments may have. At this point in time, the Auditor of State understands that as entities review Treasury’s guidance, more questions may arise. AOS will continue to provide updated guidance on its [COVID-19 Resources](#) webpage as more information becomes available.

Treasury guidance is located at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>.

If you have any questions regarding the information presented in the Bulletin, please contact the Center for Audit Excellence at the Auditor of State's Office at AOSFederal@ohioauditor.gov or call Local Government Services at (800) 345-2519.

Keith Faber
Ohio Auditor of State