

## Certification of Payments to Influence Federal Transactions

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	Date (mm/dd/yyyy)

Previous edition is obsolete

form HUD 50071 (3/98)  
ref. Handbooks 7417.1, 7475.13, 7485.1, & 7485.3

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB  
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known:	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI):	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI):	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

**INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Approved by OMB  
0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

**Applicant/Recipient Disclosure/Update Report**

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 3/31/2003)

**Instructions.** (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

**Applicant/Recipient Information** Indicate whether this is an Initial Report  or an Update Report

1. Applicant/Recipient Name, Address, and Phone (include area code):  ( ) -	2. Social Security Number or Employer ID Number:  - -
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received
5. State the name and location (street address, City and State) of the project or activity:	

**Part I Threshold Determinations**

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3). <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9 <input type="checkbox"/> Yes <input type="checkbox"/> No.
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If you answered "No" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form. **However,** you must sign the certification at the end of the report.

**Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.**

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(Note: Use Additional pages if necessary.)

**Part III Interested Parties.** You must disclose:

- All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
- any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity (\$ and %)

(Note: Use Additional pages if necessary.)

**Certification**

**Warning:** If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.

I certify that this information is true and complete.

Signature:  X	Date: (mm/dd/yyyy)
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**Public reporting burden** for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

**Privacy Act Statement.** Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

**Note:** This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

## Instructions

### Overview.

#### A. Coverage. You must complete this report if:

- (1) You are applying for assistance from HUD for a specific project or activity and you have received, or expect to receive, assistance from HUD in excess of \$200,000 during the during the fiscal year;
- (2) You are updating a prior report as discussed below; or
- (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

#### B. Update reports (filed by "Recipients" of HUD Assistance):

**General.** All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

### Line-by-Line Instructions.

#### Applicant/Recipient information.

All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

#### Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to *either* questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

#### Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD **and any other source** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

### Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

**Note:** A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

**Note** that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need

not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

#### Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

## Certification Regarding Debarment and Suspension

U.S. Department of Housing  
and Urban Development

### Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

**Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Instructions for Certification (B)**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant		Date
Signature of Authorized Certifying Official		Title

**Certification of Consistency  
with the RC/EZ/EC Strategic  
Plan**

**U.S. Department of Housing  
and Urban Development**

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name \_\_\_\_\_

Name of the Federal  
Program to which the  
applicant is applying \_\_\_\_\_

Name of RC/EZ/EC \_\_\_\_\_

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the  
Official Authorized  
to Certify the RC/EZ/EC \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Date (mm/dd/yyyy) \_\_\_\_\_

**Certification of Consistency  
with the Consolidated Plan**

**U.S. Department of Housing  
and Urban Development**

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.  
(Type or clearly print the following information:)

Applicant Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Location of the Project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of the Federal  
Program to which the  
applicant is applying: \_\_\_\_\_

Name of  
Certifying Jurisdiction: \_\_\_\_\_

Certifying Official  
of the Jurisdiction  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Funding Application**

Section 8 Tenant-Based Assistance  
 Rental Certificate Program  
 Rental Voucher Program

**U.S. Department of Housing  
 and Urban Development**  
 Office of Public and Indian Housing

OMB Approval No. 2577-0169  
 (exp.9/30/2002)

Send the original and two copies of this application form and attachments to the local HUD Field Office

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Eligible applicants (HAs) must submit this information when applying for grant funding for tenant-based housing assistance programs under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). HUD will use the information to evaluate an application based on selection criteria stated in the Notice of Funding Availability (NOFA). HUD will notify the HA of its approval/disapproval of the funding application. Responses are required to obtain a benefit from the Federal Government. The information requested does not lend itself to confidentiality.

Name and Mailing Address of the Housing Agency (HA) requesting housing assistance payments

Application/Project No. (HUD use only)

Do you have an ACC with HUD	No	Yes	Date of Application	Legal Area of Operation (area in which the HA has authority under State and local law to administer the program)
for Section 8 Certificates?	<input type="checkbox"/>	<input type="checkbox"/>		
for Section 8 Vouchers?	<input type="checkbox"/>	<input type="checkbox"/>		

**A. Area(s) From Which Families To Be Assisted Will Be Drawn.**  
 Locality (city, town, etc.)

Locality (city, town, etc.)	County	Congressional District	Units

**B. Proposed Assisted Dwelling Units.**  
 (Complete this section based on the unit sizes of the applicants at the top of the waiting list)

	Number of Dwelling Units by Bedroom Size							Total Dwelling Units
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	
Certificates								
Vouchers								

**C. Average Monthly Adjusted Income.** Complete this section based on actual incomes of current participants by unit size. Enter average monthly adjusted income for each program separately and only for the unit sizes requested in Section B.

	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR
Certificates	\$	\$	\$	\$	\$	\$	\$
Vouchers	\$	\$	\$	\$	\$	\$	\$

**D. Need for Housing Assistance.** Demonstrate that the project requested in this application is responsive to the condition of the housing stock in the community and the housing assistance needs of low-income families residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

**E. Housing Quality Standards (HQS).** (Check applicable box)

- HUD's HQS will be used with no modifications       Attached for HUD approval are HQS acceptability criteria variations

**F. New HA Information.** Complete this section if HA currently does not administer a tenant-based certificate or voucher program.

**Financial and Administrative Capability.** Describe the experience of the HA in administering housing or other programs and provide any other relevant information which evidences present or potential management capability for the proposed rental assistance program. Submit this narrative on a separate page.

**Qualification as an HA.** Demonstrate that the applicant qualifies as an HA and is legally qualified and authorized to administer the funds applied for in this application. Submit the relevant enabling legislation and a supporting legal opinion.

**Note:** If this application is approved, the HA must submit for HUD approval a utility allowance schedule and budget documents.

**G. Certifications.** The following certifications are incorporated as a part of this application form. The signature on the last page of this application of the HA representative authorized to sign the application signifies compliance with the terms of these certifications.

**Equal Opportunity Certification**

The Housing Agency (HA) certifies that:

- (1) The HA will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations issued pursuant thereto (24 CFR Part 1) which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.
- (2) The HA will comply with the Fair Housing Act (42 U.S.C. 3601-19) and regulations issued pursuant thereto (24 CFR Part 100) which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.
- (3) The HA will comply with Executive Order 11063 on Equal Opportunity in Housing which prohibits discrimination because of race, color, creed, or national origin in housing and related facilities provided with Federal financial assistance and HUD regulations (24 CFR Part 107).
- (4) The HA will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8) which state that no otherwise qualified individual with handicaps in the United States shall solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- (5) The HA will comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146) which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.
- (6) The Housing Agency will comply with the provisions of Title II of the Americans with Disabilities Act (42 U.S.C. 12131) and regulations issued pursuant thereto (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

The following provisions apply only to housing assisted with Project-Based Certificates:

- (7) The HA will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1) which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity.
- (8) The HA will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and regulations issued pursuant thereto (24 CFR Part 135), which require that, to the greatest extent feasible, opportunities for training and employment be given to low-income persons residing within the unit of local government for metropolitan area (or nonmetropolitan county) in which the project is located.

**Certification Regarding Lobbying**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Certification Regarding Drug-Free Workplace Requirements

Instructions for Drug-Free Workplace Requirements Certification:

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

**Controlled substance** means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

**Conviction** means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

**Criminal drug statute** means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

**Employee** means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees or subrecipients or subcontractors in covered workplaces).

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about:
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Check  if there are workplaces on file that are not identified here.

**Housing Agency Signature**

Signature of HA Representative	Print or Type Name of Signatory	
	Phone No.	Date

# Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: \_\_\_\_\_

### To Be Completed by HUD

- HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.
- HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:
  - Enclosed
  - Being sent under separate cover

Processor's Name \_\_\_\_\_

Date of Receipt \_\_\_\_\_

**Client Comments and  
Suggestions**U.S. Department of Housing  
and Urban Development**You are our Client!  
Your comments and suggestions, please!**

The Department of Housing and Urban Development in preparing this Notice of Funding Availability and application forms, has tried to produce a more user friendly, customer driven funding process. Please let us have your comments and recommendations for improvements to this document. You may leave this form attached to your application, or feel free to detach the form and return it to:

The Department of Housing and Urban Development  
Office of Grants Management and Compliance  
Room 2182  
451 7th Street, SW  
Washington, DC 20410

**Please Provide Comments on HUD's Efforts:**

**The NOFA** (insert title) \_\_\_\_\_

is: (please check one)

- (a)  is clear and easily understandable
- (b)  better than before, but still needs improvement (please specify)
- (c) other (please specify)

**The application form** (insert title) \_\_\_\_\_

is: (please check one)

- (a)  is acceptable given the volume of information required by statute and the volume of information required for accountability in selecting and funding projects.
- (b)  is simpler and more user-friendly than before, but still needs work (please specify).
- (c) other comments (please specify)

**Name & Organization** (Optional):

Are additional pages attached?  Yes  No

## Grant Applicant's Status as a Religious Organization

U.S. Department of Housing  
and Urban Development  
Office of Administration

OMB Approval No. Pending  
(exp. 99/99/9999)

**Public reporting burden** for this collection is estimated to average 0.02 hour per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the information collection instrument. HUD may not collect this information, and you are not required to complete this form, unless a it displays a currently valid OMB.

The Department of Housing and Urban Development (HUD) requests that you voluntarily provide the following information in order to satisfy the reporting requirements of the President's "Faith-Based Initiative," in accordance with Executive Order 13198, signed January 29, 2001, and to respond to public inquiries about program benefits.

Collection of this information is not mandatory and your response will not affect in any way the scoring of your submission.

Is the applicant a religious organization — meaning an organization with a religious motivation, character, or purpose — or is it affiliated with or sponsored by a religious organization? (Check one below)

- YES  
 NO

As part of this project, does applicant propose to either partner with, fund or subcontract with another organization which is either a religious organization or which is affiliated with or sponsored by a religious organization?

- YES  
 NO

Name of Applicant Organization:

Title of Program for which Application was submitted:

Date: \_\_\_\_\_

**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**COMMUNITY DEVELOPMENT  
TECHNICAL ASSISTANCE (TA)**

HOME TA

McKinney-Vento  
Homeless Assistance  
Programs TA

HOPWA TA



**FUNDING AVAILABILITY FOR COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (CD-TA) PROGRAMS—HOME, MCKINNEY-VENTO ACT HOMELESS ASSISTANCE AND HOPWA**

**Program Overview**

*Purpose of the Program.* The purposes of the technical assistance programs in this SuperNOFA are:

*HOME Technical Assistance.* To help HOME participating jurisdictions design and implement HOME programs, including: Improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing; facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs and land bank programs consistent with the purposes of the HOME statute; and encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships.

*McKinney-Vento Act Homeless Assistance Programs Technical Assistance.* To provide applicants, potential applicants, grantees, and project sponsors for McKinney-Vento Act funded Emergency Shelter Grants, Supportive Housing Program, Section 8 Moderate Rehabilitation Single Room Occupancy and Shelter Plus Care projects with technical assistance to promote the development of housing and supportive services as part of the Continuum of Care approach, including innovative approaches to assist homeless persons in the transition from homelessness, and to enable them to live as independently as possible.

*Housing Opportunities for Persons with AIDS (HOPWA).* To train HOPWA grantees, project sponsors, and potential recipients of program funds in comprehensive housing strategies and responsive area programs that assist residents who are living with HIV/AIDS; in the sound management of HOPWA programs to support program operations in an efficient and effective manner, including undertaking community consultations, program planning, housing development and operations, program evaluation and reporting on accomplishments; and to build the capacity of nonprofit organizations to carry out activities as HOPWA project sponsors.

*Available Funds.* Approximately \$10 million in FY 2002 funds is available for the three CD-TA programs.

*Eligible Applicants.* Specific eligibility requirements for the CD-TA

programs are found below in Section III(C). Up to twenty five percent of the HOME and McKinney-Vento Act Homeless Assistance technical assistance funds is limited to qualified providers who have not previously received a CPD technical assistance award. This limitation is not applicable to HOPWA technical assistance.

*Application Deadline.* June 7, 2002.

*Match.* None.

**Additional Information**

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

**I. Application Due Date, Application Kits, Further Information, and Technical Assistance**

*Application Due Date.* Submit your completed applications (an original and one copy) on or before June 7, 2002 at the address shown below.

The original application that you submit to Headquarters is considered the official application. Send a copy of your application on or before the application deadline date to the HUD CPD Field Office(s) in which you are seeking to provide services. Only one application per applicant is permitted; however, one application can include as few as one or as many as all three CD-TA programs.

*Application Submission Procedures.* *New Security Procedures.* HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

*Mailed Applications.* Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received by the designated HUD office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

*Applications Sent by Overnight/Express Mail Delivery.* If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, FedEx, DHL and Falcon Carrier. Delivery by these services must be made during HUD Headquarters business hours, between 8:30 AM and 5:30 Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

*Addresses for Submitting Applications.* HUD Headquarters. Your completed application consists of one original application and one copy. Submit your original application to HUD Headquarters, U.S. Department of Housing and Urban Development, CPD Processing and Control Branch, Room 7251, 451 Seventh Street, SW., Washington, DC 20410.

*Copy to Field Office.* Send a copy of the application to the appropriate CPD Field Office(s) at the address shown on the list of HUD CPD Field Offices included as Appendix B.

When submitting your application, please refer to the Community Development Technical Assistance Program. Be sure to include your name, mailing address (including zip code), telephone number (including area code), and fax number (including area code).

*For Application Kits.* For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1-800-HUD-8929. Persons with hearing or speech impairments may call the Center's TTY number at 1-800-HUD-2209. When requesting an application kit, please refer to "Community Development Technical Assistance Programs or CD-TA." Please be sure to provide your name, address (including zip code), telephone number (including area code), and fax number (including area code).

For Further Information and Technical Assistance. You may contact the HUD CPD Office serving your area at the telephone number listed in the list of HUD CPD Field Offices included in the application kit, or you may contact Karen E. Daly at 202-708-3176, x5552 in HUD Headquarters. Persons with hearing and speech challenges may access the above number via TTY (text

telephone) by calling the Federal Relay Service at 1-800-877-8339 (this is a toll-free number). Information on this SuperNOFA also may be obtained through the HUD web site on the Internet at [www.hud.gov](http://www.hud.gov).

*Satellite Broadcast.* HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at [www.hud.gov](http://www.hud.gov).

## II. Amount Allocated

(A) The amounts allocated for each CD-TA program are as follows:

HOME TA FY 2002 funds: up to \$5,000,000

McKinney-Vento Act Homeless Assistance Programs FY 2002 TA funds: up to \$3,000,000

HOPWA FY 2002 TA funds: up to \$2,000,000

(B) Each HUD/CPD Field Office has been allocated a "fair-share" of CD-TA funds for purposes of this competition, except for the HOPWA TA funds which will be awarded only through a national competition (see CD-TA Appendix A for the fair share allocations). The amounts are based on allocations of HOME and McKinney-Vento Act Homeless Assistance formula funds and competitive programs for which Field Offices have management oversight. These amounts are only for guidance purposes for you to develop your program budgets by Field Office jurisdiction and are not the exact amounts to be awarded to you in each area.

HUD will determine the total amount to be awarded to any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, and the scope of the technical assistance to be provided. Additionally, HUD may reduce the amount of funds allocated for Field Office jurisdictions to fund national CD-TA providers and other CD-TA providers for activities which cannot be budgeted or estimated by Field Office jurisdiction. HUD may require selected applicants, as a condition of funding, to provide coverage on a geographically broader basis than applied for in order to supplement or strengthen the intermediary network in terms of the location (service area), types and scope of technical assistance proposed.

(C) In order to reach new technical assistance providers in the HOME and

McKinney-Vento Act Homeless Assistance program areas up to 25% of the funds in each of these two program areas within a Field Office (or at the national level) will be awarded to applicants who have not previously been funded under a CPD technical assistance competition. Therefore, up to \$1.25 million will be awarded to new providers in HOME and \$750,000 in McKinney-Vento Act Homeless Assistance. If qualified new applicants are not found in each program area in each Field Office and/or at the national level, the remaining funds will be made available for previously funded providers. The reverse also is true.

(D) To the extent permitted by funding constraints, HUD intends to provide coverage for as full a range as possible, of eligible CD-TA activities of each CD-TA program in each Field Office jurisdiction. To achieve this objective, HUD will fund the highest ranking providers that bring the required expertise in one or more specialized activity areas, and fund portions of providers' proposed programs in which they have the greatest skill and capability for given geographic areas or on a national basis. HUD also may require national, multi-jurisdictional, or other providers to provide coverage to Field Office jurisdictions which cannot otherwise receive cost-effective support from a CD-TA provider. In selecting applicants for funding, in addition to the rating factors, HUD will apply program policy criteria identified in Section V of this CD-TA Program section of SuperNOFA to select a range of providers and activities that would best serve program objectives for each program serviced by the CD-TA funded under this SuperNOFA.

## III. Program Description; Program Award Period; Eligible Applicants; Eligible Activities; and Sub-Grants

(A) *Program Description.* Up to \$10 million in technical assistance (TA) funds is available from three separate technical assistance programs: HOME TA, McKinney-Vento Act Homeless Assistance TA, and HOPWA TA (collectively "CD-TA").

The funding of these three CD-TA programs through a single funding availability announcement will not affect the ability of eligible applicants to seek CD-TA funding. Eligible applicants are able to apply for funding under as few as one, and as many as three, separate CD-TA programs, individually or collectively, singularly or in combination. The specific provisions of the three separate CD-TA programs have not been changed. This

Community Development Technical Assistance Programs section of the SuperNOFA reflects the statutory requirements and differences in the three different CD-TA programs.

### (B) Program Award Period

(1) Cooperative Agreements will be for a period of up to 36 months. HUD, however, reserves the right to:

(a) Terminate awards in accordance with provisions contained in OMB Circular A-102, and 24 CFR parts 84 and 85 anytime after 12 months;

(b) Withdraw funds from a specific provider, if HUD determines that the urgency of need for the assistance is greater in other Field Office jurisdictions or the need for assistance is not commensurate with the award for assistance;

(c) Extend the performance period of individual awardees up to a total of 12 additional months.

(2) In cases where an applicant selected for funding under this CD-TA program section of the SuperNOFA currently is providing CD technical assistance under an existing CD-TA grant/cooperative agreement, HUD reserves the right to adjust the start date of funding under this program to coincide with the conclusion of the previous award, or to incorporate the remaining activities from the previous award into the new agreement, adjusting the funding levels as necessary.

### (C) Eligible Applicants

(1) *General.* The eligible applicants for each of the three CD-TA programs are listed in paragraphs (2), (3), and (4) of this Section (C). This paragraph (1) lists requirements applicable to all applicants.

(a) Many organizations are eligible to apply for more than one CD-TA program and are encouraged to do so to the extent they have the requisite experience, expertise and capability.

(b) All applicant organizations must have demonstrated ability to provide CD-TA in a geographic area larger than a single city or county and must propose to serve an area larger than a single city or county.

(c) An organization may not provide assistance to itself.

(d) A consortium of organizations may apply for one or more CD-TA programs, but HUD will require that one organization be designated as the legal applicant, where legally feasible. Where one organization cannot be so designated for all proposed activities, HUD may execute more than one cooperative agreement with the members of a consortium. However, in general HUD will not award more than

one cooperative agreement per application unless necessary due to legal requirements.

(e) All applicants must meet minimum statutory eligibility requirements for each CD-TA program for which they are chosen in order to be awarded a cooperative agreement. Copies of the Technical Assistance program regulations will be provided with the application kit.

(f) All eligible CD-TA providers may propose assistance using in-house staff, consultants, sub-contractors and sub-recipients, networks of private consultants and/or local organizations with requisite experience and capabilities. Whenever possible, applicants should make use of technical assistance providers located in the Field Office jurisdiction receiving services. This draws upon local expertise and persons familiar with the opportunities and resources available in the area to be served while reducing travel and other costs associated with delivering the proposed technical assistance services.

(g) All applicants must meet the applicable threshold requirements of Section II(B) of the General Section of the NOFA.

(2) *McKinney-Vento Act Homeless Assistance Programs TA Eligible Applicants.*

(a) States, units of general local government, and public housing authorities.

(b) Public and private non-profit or for-profit groups, including educational institutions and area-wide planning organizations, qualified to provide technical assistance on McKinney-Vento Act Homeless Assistance projects.

(3) *HOME TA Eligible Applicants.* (a) A for-profit or non-profit professional and technical services company or firm that has demonstrated capacity to provide technical assistance services;

(b) A HOME participating jurisdiction (PJ) or agency thereof;

(c) A public purpose organization responsible to the chief elected official of a PJ and established pursuant to State or local legislation;

(d) An agency or authority established by two or more PJs to carry out activities consistent with the purposes of the HOME program;

(e) A national or regional non-profit organization that has membership comprised predominantly of entities or officials of entities of PJs or PJs' agencies or established organizations.

(4) *HOPWA TA Eligible Applicants.*

(a) Non-profit organizations; and

(b) States and units of general local government.

(D) *Eligible Activities.* Eligible activities as appropriate for each of the three CD-TA programs are listed below:

(1) *HOME Technical Assistance.* HUD will provide assistance to:

(a) Facilitate the exchange of information that would help participating jurisdictions carry out the purposes of the HOME statute, including information on program design and accessibility, housing finance, land use controls, and building construction techniques;

(b) Improve the ability of States and units of local government to design and implement housing strategies, particularly those States and units of local government that are relatively inexperienced in the development of affordable housing;

(c) Encourage private lenders and for-profit developers of low-income housing to participate in public-private partnerships to achieve the purposes of the HOME statute;

(d) Improve the ability of States and units of local government, community housing development organizations, private lenders, and for-profit developers of low-income housing to incorporate energy efficiency into the planning, design, financing, construction and operation of affordable housing;

(e) Facilitate the establishment and efficient operation of employer-assisted housing programs, through research, technical assistance, and demonstration projects; and

(f) Facilitate the establishment and efficient operation of land bank programs, under which title to vacant and abandoned parcels of real estate located in or causing blighted neighborhoods is cleared for use consistent with the purposes of the HOME statute.

(2) *McKinney-Vento Act Homeless Assistance Programs Technical Assistance.* Funds are available to provide technical assistance to McKinney-Vento Act funded Homeless Assistance projects. Funds may be used to provide technical assistance to prospective applicants, applicants, recipients or other providers (project sponsors) of McKinney-Vento Act funded housing and supportive services for homeless persons. The assistance may include, but is not limited to, written information such as papers, manuals, guides and brochures; person-to-person exchanges; on-site assessments and provision of technical expertise; and training and related costs.

(3) *HOPWA Technical Assistance.* For the purposes of this CD-TA program section of the SuperNOFA, HOPWA technical assistance shall mean the

transfer to HOPWA grantees and project sponsors and potential recipients of program funds, the skills and knowledge needed to develop, operate and support HOPWA-eligible projects and activities.

An applicant for HOPWA TA funds must propose activities on a national basis, a regional basis (e.g. serving a multi-state area) or within a State or community. The application should emphasize how activities will advise and train communities and project sponsors in undertaking program planning, community consultations, housing development and operations, coordination with related health-care and other supportive services, and evaluation and reporting on program performance. The Department has established the following national goal for all HOPWA TA projects:

- *National Goal "Sustainable and Sound Management of HOPWA Programs and Projects."*

HOPWA TA funds may be used to help to build the capacity of grantees, project sponsors and potential applicants. The national goal is to enhance (1) the organization's ability to use HUD funds in a manner that upholds the public trust in the operation of the program, and (2) the organization's ability to sustain their projects through financial downturns and beyond the term of the grant.

Technical assistance providers should plan programs on financial assessments, developing cost-cutting strategies, long range strategic planning, management and operational efficiency, redirecting resources to essential housing programs, how to identify new financial resources, fund-raising strategies and implementing community-wide planning to avoid duplication of service provision. To achieve this goal, HOPWA TA can be used in the following areas:

(a) Management and operations through such activities as:

(i) Advising on management practices to ensure responsive, efficient and cost effective facility and program operations;

(ii) Advising on fiscal management to ensure accountability in the use of funds and in the development of long-term strategies to assure financial viability including strategic planning, merger and acquisition consideration, financial development programs; and

(iii) Assisting projects in using the Department's information technology, financial systems and information management systems.

(b) State, local, and community planning through such activities as:

(i) Advising on the coordination of housing with health-care and other

related supportive services for eligible persons;

(ii) Assisting in developing collaborations with local, State and Federal agencies that administer HIV/AIDS-related programs, including programs funded under the Ryan White CARE Act;

(iii) Creating or linking to existing needs assessments of the area's housing needs of persons living with HIV/AIDS and their families;

(iv) Creating or linking to comprehensive multiple-year HIV/AIDS housing plans that are undertaken in collaboration with local, State and federal programs including the Ryan White CARE Act programs; and

(v) Creating or linking to existing plans that address specialized needs of clients, including assistance for clients with serious mental illness, chronic alcohol and other drug abuse issues, and homelessness.

(c) Program evaluation through such activities as:

(i) Advising on data collection and program evaluation and dissemination of results; and

(ii) Developing and providing program handbooks, guidance materials, audio/visual products, training, and other activities to promote good management practices.

HOPWA TA applicants should demonstrate that they will assist in the development of Sustainable and Sound Management of HOPWA Programs by serving grantees who assist underserved populations and presenting a plan that describes an outreach and technical assistance program directed to organizations who serve identified underserved populations. The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing health-care and HIV/AIDS treatment among underserved populations, such as, racial and ethnic minority populations, women, youth, post-incarcerated populations and persons living in rural areas. For the purposes of the HOPWA TA portion of this NOFA, underserved populations are defined as low-income populations living with HIV/AIDS and their families, such as racial or ethnic minority groups, women, persons living in rural areas, youth, post-incarcerated populations, or other underserved groups as determined by your service area, whose housing and related service needs are not currently being met in your service area. To meet this definition of an underserved population, you must present reliable statistics and data sources (i.e. Census, health department statistics, research,

scientific studies, Consolidated Plan, and Continuum of Care documentation), showing the unmet need in the provision of housing and supportive services for the identified underserved population under Rating Factor 2 (1). HUD will consider your presentation of statistics and data sources based on soundness and reliability and the specificity of information to the underserved population and the area to be served.

In an effort to meet this continuing need, the highest rated applicants will demonstrate an outreach and assistance program to an identified underserved population as detailed under Rating Factor 3, Soundness of Approach (2) and will support the National HOPWA Goal of Sustainable and Sound Management. Such assistance could include linking HOPWA grantees and project sponsors to other community based organizations that serve an underserved population but have no, or limited, experience with providing housing services. Additionally, HOPWA TA providers could provide assistance to collaborations targeting an underserved population funded under the HOPWA competitive program.

(E) *Sub-Grants Applicants*. Sub-Grant Applications may propose to make sub-grants to achieve the purposes of their proposed CD-TA programs in accordance with program requirements in Section IV of this CD-TA Program section of the SuperNOFA.

#### IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA (please especially note a new requirement regarding Conducting Business in Accordance with Core Values and Ethical Standards found in General Section II(B)(2)), applicants are subject to the following requirements:

(A) *Program Requirements for HOME and McKinney-Vento Act Homeless Assistance*.

(1) *Profit/Fee*. No increment above cost, no fee or profit, may be paid to any recipient or subrecipient of an award under this CD-TA Program section of the SuperNOFA.

(2) *Demand/Response Delivery System*.

(a) As an awardee, you must operate within the structure of the demand/response system described in this section. You must coordinate your plans with, and operate under the direction of, each HUD Field Office within whose jurisdiction you are operating. When so directed by a Field Office, you will coordinate your activities instead through a lead CD-TA provider or other

organization designated by the Field Office.

(b) If selected as the lead CD-TA provider in any Field Office jurisdiction, as an awardee you must coordinate the activities of other CD-TA providers selected under this CD-TA Program section of the SuperNOFA under the direction of the HUD Field Office. Joint activities by CD-TA providers may be required.

(c) Under the demand/response system, CD-TA providers will be required to:

(i) When requested by a Field Office or Government Technical Representative (GTR), market the availability of their services to existing and potential clients to include local jurisdictions in which the assistance will be delivered.

(ii) Respond to requests for assistance from the HUD Field Office(s) with oversight of the geographic service area for which the technical assistance will be delivered, including responding to priorities established by the Field Office in its Grants Management System, HOME PJs, and McKinney-Vento Act Homeless Assistance grantees may request assistance from the CD-TA provider directly, but such requests must be approved by the local HUD Field Office.

(iii) When requested by a Field Office or GTR, conduct a Needs Assessment to identify the type and nature of the assistance needed by the recipients of the assistance. These needs assessments should typically identify the nature of the problem to be addressed by the technical assistance services; the plan of action to address the need including the type of technical assistance services to be provided, the duration of the service, the staff assigned to provide the assistance, anticipated products and/or outcomes, and the estimated cost for the provision of services; and the relationship of the proposed services to the planned or expected Consolidated Plan submission to HUD and to other technical assistance providers providing service within the locality.

(iv) Obtain approval for the Technical Assistance Delivery Plan (TADP) from the HUD Field Office(s) with oversight for the area in which service will be provided. (See Section 3 below).

(v) Work cooperatively with other CD-TA providers in their geographic areas to ensure that clients are provided with the full range of CD-TA services needed and available. CD-TA providers are expected to be knowledgeable about the range of services available from other providers, make referrals and arrange visits by other CD-TA providers when appropriate, and carry out CD-TA

activities concurrently when it is cost-effective and in the interests of the client to do so. HUD Field Offices may direct CD-TA providers to conduct joint activities.

(3) *Technical Assistance Delivery Plan (TADP)*.

(a) After selection for funding but prior to award, you must develop a TADP for each Field Office jurisdiction or National Program for which you have been selected, in consultation with the Field office and/or GTR.

(b) In developing the TADP, you must follow the Field Office's management plan determining your priority work activities, location of activities, and organizations to be assisted during the cooperative agreement performance period.

(c) The Field Office management plan should indicate the issues to be addressed by CD-TA, the improved performance expected as a result of CD-TA, and methods for measuring the success of the CD-TA.

(d) The TADP must delineate all the tasks and sub-tasks for each CD program the applicant will undertake in each Field Office jurisdiction. The TADP must show the location of the community/State in which the CD-TA activities will occur, the level of CD-TA funding and proposed activities by location, the improved program performance or other results expected from the CD-TA and the methodology to be used for measuring the success of the CD-TA. A time schedule for delivery of the activities, budget summary, budget-by-task and staffing plan must be included in the TADP.

(4) *Negotiation*. After all applications have been rated and ranked and a selection has been made, HUD requires that all winners participate in negotiations to determine the specific terms of the TADP and the budget. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA.

(5) *Forms, Certifications and Assurances*. You must submit with your application the forms, certifications and assurances listed in the General Section of this SuperNOFA.

(6) *Financial Management and Audit Information*. After selection for funding but prior to award, you must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by 24 CFR part 84 for Institutions of Higher Education and other Non-Profit Institutions, 24 CFR part 85 for States and local governments, or the Federal

Acquisition Regulations (for all other applicants). The information should include the name and telephone number of the independent auditor, cognizant Federal auditor, or other audit agency as applicable.

(7) *Training Sessions*. When conducting training sessions as part of its CD-TA activities, CD-TA providers are required to:

(a) Design the course materials as "step-in" packages (also called "train-the-trainer" packages) so that a Field Office or other CD-TA provider may separately give the course on its own;

(b) Arrange for joint delivery of the training with Field Office participation when so requested by the Field Office or by the GTR for national grants; and

(c) When requested by a Field Office and/or GTR, provide for professional videotaping of the workshops/courses and ensure their production in a professional and high-quality manner, suitable for viewing by other CD clients (if this requirement is implemented, additional funds may be requested).

(d) When required by HUD, deliver HUD-approved training courses that have been designed and developed by other HUD contractors or HUD cooperating parties on a "step-in" basis for CD-TA clients, and send trainers to HUD-approved Train-the Trainer sessions.

(8) *Reports to Field Offices and/or GTRs*. CD-TA providers will be required to report to the HUD Field Office(s) with oversight of the geographic area(s) in which CD-TA services are provided or to Headquarters GTRs in the case of national providers. At a minimum, this reporting will be on a quarterly basis unless otherwise specified in the approved TADP.

(9) *Active Participation*. HUD Field Offices will be active participants in the delivery of all technical assistance by funded providers throughout the term of the cooperative agreement.

(10) *HOME TA Program Limitations*. Pursuant to section 243(b) of the Cranston-Gonzalez National Affordable Housing Act, funding to any single eligible HOME TA organization, whether as an independent or joint applicant, is limited to not more than 20% of the operating budget of the recipient organization in any one year and is limited to 20% of the funds available under this CD-TA program section of the SuperNOFA.

(11) *HOME National TA Program Guidance*. With the funds designated for a national TA program, HUD intends to fund applications which propose activities to help HOME participating jurisdictions design and implement HOME programs, including: improving

their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing, facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs; and/or encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships. Proposals should directly address how the capacity of participating jurisdictions may be improved to ensure that HOME funds are used effectively, efficiently and in compliance with the HOME rules to develop affordable housing. Emphasis should be placed on the basic skills and systems needed to develop, maintain and manage well designed and constructed affordable housing over the long term when using Federal funds.

(12) *Affirmatively Furthering Fair Housing*. Section II(D) of the General Section of the SuperNOFA does not apply to these technical assistance programs.

(B) *Program Requirements for HOPWA Technical Assistance*.

(1) *General Requirements*. The items listed below specify the requirements that apply to the HOPWA TA applications as follows: in Section IV(A), Paragraphs: (1) Profit/Fee; (4) Negotiation, except that the TADP reference will apply to a workplan negotiated between the applicant and the GTR for the HOPWA TA grant in HUD Headquarters; (5) Forms, Certifications and Assurances; (6) Financial Management and Audit Information; (7) Training Sessions; (8) Reports to Field Offices and/or GTRs, except that you must report to the HOPWA Headquarters GTR, at a minimum, on a quarterly basis, unless otherwise specified in an approved HOPWA TA workplan and you will be expected to meet the following performance benchmarks: (i) you are required to begin technical assistance activities within one year of your selection (i.e., one year from the date of the signing of your selection letter by HUD); and (ii) you are requested to provide an initial report to the Field Office and the Headquarters GTR on the startup of the planned activities within six months of your selection. Please outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(2) *Coordination of HOPWA TA Requests.* Except for national meetings, research, information and other activities that are conducted on a program-wide basis in cooperation with HUD Headquarters, as the grantee of HOPWA TA funds, you must work cooperatively with HUD Field Offices. You must notify the applicable HUD Field Office of the planned activities; must consider the views or recommendations of that office, if any; must follow those recommendations, to the degree practicable; and must report to the applicable Field Office on the accomplishments of this assistance.

## V. Application Selection Process

### (A) Rating and Ranking

(1) HUD will evaluate applications competitively and rank them against all other applicants that have applied for the same CD-TA program (HOME, McKinney-Vento Act Homeless Assistance) within each Field Office or as a National Provider under HOPWA. There will be separate rankings for each CD-TA program, and you will be ranked only against others that have applied for the same CD-TA program.

(2) Once scores are assigned, all applications will be listed in rank order for each CD-TA program for which they applied by Field Office jurisdiction and/or the HOPWA National Program. In each Field Office jurisdiction or National Program area, all applications for the HOME TA program will be listed in rank order on list, all applications for the McKinney-Vento Act Homeless Assistance TA program will be listed in rank order on another list, and all applications for the HOPWA TA national projects will be ranked separately on a third list. Under this system, a single application from one organization for all CD-TA programs could be assigned different scores and different rankings for each program in different Field Offices.

(3) Applications will be funded in rank order for each CD-TA program by Field Office jurisdiction, except for HOPWA TA national providers and others which cannot be ranked by Field Office jurisdiction. National providers and others will be ranked separately and funded in rank order for each CD-TA program. Irrespective of final scores, HUD may apply program policy criteria to select one applicant in each of the two HOME and McKinney-Vento Act Homeless Assistance CD-TA programs in each Field Office or nationally, to ensure diversity of methods, approaches, or kinds of projects. HUD will apply these program policy criteria to provide coverage of CD-TA services

for minorities; women, particularly women in the homebuilding professions under section 233(b)(7) of the Cranston-Gonzalez National Affordable Housing Act; persons with disabilities; homeless; persons with special needs; and rural areas.

(4) In addition to the authority in the General Section to adjust funding, HUD reserves the right to adjust funding levels for each applicant for each CD-TA program, as follows:

(a) Adjust funding levels for any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, funds available on a national basis for providers that will be operating nationally, or the scope of the technical assistance to be provided;

(b) To negotiate increased grant awards with applicants approved for funding if HUD requests them to offer coverage to geographic areas for which they did not apply or budget, or if HUD receives an insufficient amount of applications.

(5) If funds remain after all selections have been made, remaining funds may be:

(a) Distributed among all HUD Field Offices (in proportion to their fair-share awards) and/or the National Program, or

(b) Made available for other CD-TA program competitions.

(6) If you apply for HOPWA TA funds, you must propose activities that will be carried out on a national, regional, State or community basis. The Department reserves the right to adjust the amount of requested funds that are awarded to correspond with the size of the intended service area in comparison to the planned national scope of activities to ensure the best use of these limited resources. Additionally, HUD may also modify the service area of a selected application, if practicable.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors and maximum points for each factor are provided below. The maximum number of points to be awarded for a CD-TA application is 100. The minimum score for an applicant to be considered in funding range is 70, with a minimum of 15 points in Factor 1. The CD-TA program is not an eligible program for bonus points, as described in Section III(C)(1)-(3) of the General Section of the SuperNOFA.

Rating of the "applicant" or the "applicant's organization and staff", unless otherwise specified, will include any sub-contractors, consultants, sub-

recipients, and members of consortia which are firmly committed to the project.

When addressing the Factors for Award, you should discuss the specific TA projects, activities, tasks, etc. that you suggest be carried out during the term of the cooperative agreement. See Sections IV(A)(2) and (3) of this CD-TA program section for a discussion of the extent to which such activities may be revised at or after the time of award. In responding to the Factors, you should be specific about the type of experience, knowledge, skills and abilities your organization, your staff, and any subcontractors firmly committed to the project have with the CD-TA programs and you should provide relevant examples to support your application. You should also be specific when detailing the communities, populations (HOPWA only) and/or organizations which you propose to serve, especially in response to Factor 3, Subfactor 2 and in detailing the dollar amounts you have leveraged in Factor 4.

*Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 points) (Minimum for Funding Eligibility 15 points)*

In rating this factor, HUD will consider the extent to which the application demonstrates in relation to CD-TA program funding that is requested:

(1) (10 points) Recent, relevant and successful experience of your organization and staff in providing technical assistance in all eligible activities and to all eligible entities for the CD-TA program(s) applied for, as described in the regulations;

(2) (8 points) The relevant experience, competence, knowledge, skills, and abilities of your key personnel in managing complex, multi-faceted or multi-disciplinary programs that require coordination with other CD-TA entities or multiple, diverse units in an organization;

(3) (7 points) You have sufficient personnel or access to qualified experts or professionals with the knowledge, skills, and abilities to deliver the proposed level of technical assistance in each proposed service area in a timely and effective fashion.

*Rating Factor 2: Potential Effectiveness of the Application in Meeting Needs of Target Groups/Localities and Accomplishing Project Objectives for Each CD-TA Program for which Funds Are Requested (20 Points)*

In rating this factor, HUD will consider the extent to which your application:

(1) (8 points) Identifies high priority needs and issues for the CD program in

each community or Field Office jurisdiction for which CD-TA funding is requested, or on a national or regional basis for national HOPWA grants;

(2) (7 points) Outlines a clear and cost-effective plan of suggested TA activities for addressing those needs and aiding a broad diversity of eligible grantees and/or beneficiaries, including those which traditionally have been under-served; and

(3) (5 points) Identifies creative activities to assist eligible grantees in participating in the development of, and improving, local Consolidated Plans and comprehensive strategies.

**Rating Factor 3: Soundness of Approach (35 Points)**

In rating this factor, HUD will consider the extent to which your application evidences a sound approach in addressing identified needs and:

(1) (13 points) Provides a cost effective plan for designing, organizing, managing and carrying out the suggested technical assistance activities within the framework of the Demand/Response System or, for HOPWA TA applicants, in addressing the HOPWA TA goal.

(2) (12 points) Demonstrates an effective outreach and assistance program to specifically identified disadvantaged communities, populations (HOPWA only) and/or organizations which previously have been underserved and have the potential to participate in CPD programs.

(3) (5 points) Provides for full geographic coverage, including urban and rural areas, (directly or through a consortium of providers) of a single State or Field Office jurisdiction or is targeted to address the needs of rural areas, minority groups or other under-served groups or for HOPWA TA applicants, addresses other approaches that respond to identified needs.

(4) (5 points) Proposes a feasible, creative plan, which uses state of the art or new promising technology, to transfer models and lessons learned in each of its CD-TA program's activities to grantees and/or program beneficiaries in other CD-TA programs.

**Rating Factor 4: Leveraging Resources (10 Points)**

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider: The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of the proposed program activities.

Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with the applicant. You also may partner with other program funding recipients to coordinate the use of resources in the target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, memoranda of understanding, or agreements to participate from those entities identified as partners in the application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program and preferably be submitted on the organization's letterhead. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

**Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)**

This factor addresses the extent to which you coordinate your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process and Continuum of Care homeless assistance strategy, and are working towards addressing a need identified in your application as high priority in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and if funded, the specific steps you will take to share information on solutions and outcomes with others. Describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to work with recipients of technical assistance services to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

(C) *Applicant Debriefing*. As described in the General Section, Introduction to the FY 2002 SuperNOFA, applicant debriefings will be conducted beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**. Refer to the General Section for details.

**VI. Application Submission Requirements**

In addition to the forms, certifications and assurances listed in Section II(H) of the General Section of the SuperNOFA (collectively referred to as the "standard forms"), your application must, at a minimum, contain the following items (except that the following paragraphs (C), (D), and (E), do not apply to HOPWA TA applicants). The standard forms can be found in Appendix B to the General Section of the SuperNOFA.

(A) Transmittal Letter which identifies the SuperNOFA, the CD-TA programs for which funds are requested and the dollar amount requested for each program, and the applicant or applicants submitting the application. If your organization has never received a CPD technical assistance award, please include a statement to this effect in the transmittal letter. Additionally, HOPWA TA applicants are requested to submit a two-page executive summary outlining the key elements of the proposed TA activities.

(B) Narrative statement addressing the Factors for Award described in Section V(B) of this CD-TA Program section of this SuperNOFA. You should number the narrative response in accordance with each factor for award. This narrative statement will be the basis for evaluating your application. It should include a plan of suggested TA activities as described in Factors 2, 3, and elsewhere. These suggested TA activities may form a starting point for negotiating the TADP described in Section IV(A)(3) of this CD-TA Program section of the SuperNOFA. However, they are used primarily for purposes of rating and evaluation and may be substantially altered and revised during negotiations with the Field Offices on the content of the TADPs (see Section

IV(A)(3)) or Headquarters program office for national projects.

(C) Statement that identifies the Field Office jurisdictions in which you propose to offer services. If you will not offer services throughout the full jurisdictional area of the Field Office, your statement should identify the service areas involved (e.g., States, counties, etc.), as well as the communities in which you propose to offer services.

(D) A matrix that summarizes the amount of funds you are requesting for each CD-TA program in each Field Office jurisdiction. (See the CD-TA application kit for a copy of the matrix to be submitted.)

(E) A statement as to whether you propose to be considered for the role of lead CD-TA provider in one or more specific program areas in a Field Office jurisdiction, and if so, your organization's capabilities and attributes that qualify you for the role.

(F) Budget Summary identifying costs for implementing the plan of suggested TA activities by cost category for each CD-TA program for which funds are requested by Field Office or as a National Provider (in accordance with the following):

(1) Direct Labor by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(2) Fringe Benefits by staff position identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(3) Material Costs indicating the item, quantity, unit cost per item, estimated cost per item, and the total estimated material costs;

(4) Transportation Costs, as applicable.

(5) Equipment charges, if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(6) Consultant Costs, if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(7) Subcontract Costs, if applicable. Indicate each individual subcontract and amount;

(8) Other Direct Costs listed by item, quantity, unit cost, total for each item listed, and total other direct costs for the award;

(9) Indirect Costs should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

These line items should total the amount requested for each CD-TA program area. The grand total of all CD-TA program funds requested should reflect the grand total of all funds for which application is made.

**VII. Corrections to Deficient Applications**

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

**VIII. Environmental Requirements**

In accordance with 24 CFR 50.19(b)(9) and 58.34(a)(9), the assistance provided

by these programs relates only to the provision of technical assistance and is categorically excluded from the requirements of the National Environmental Policy Act and not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing or repair for HUD assistance under these technical assistance programs.

**IX. Authority**

HOME Technical Assistance. The HOME Technical Assistance Program is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12781-12783); 24 CFR part 92.

McKinney-Vento Act Homeless Assistance Programs Technical Assistance. The Supportive Housing Program is authorized under 42 U.S.C. 11381 *et seq.*; 24 CFR 583.140. The Emergency Shelter Grant, Section 8 Moderate Rehabilitation Single Room Occupancy Program and Shelter Plus Care Technical Assistance Programs are authorized by the FY 2002 HUD Appropriations Act.

HOPWA Technical Assistance. The HOPWA Technical Assistance program is authorized under the FY 2002 HUD Appropriations Act. The HOPWA program is authorized under the AIDS Housing Opportunities Act (42 U.S.C. 12901) and the HOPWA regulations are found at 24 CFR part 574.

APPENDIX A TO CD-TA PROGRAM: "FAIR-SHARE" AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE

HUD CPD field office	HOME TA	McKinney-Vento Act homeless assistance TA	HOPWA TA
Alabama State Office .....	50,000	40,000	.....
Alaska State Office .....	50,000	40,000	.....
Arkansas State Office .....	50,000	40,000	.....
California State Office .....	257,900	242,000	.....
Los Angeles Area Office .....	224,100	255,000	.....
Caribbean Office .....	61,400	40,000	.....
Colorado State Office .....	92,100	40,000	.....
Connecticut State Office .....	50,000	40,000	.....
District of Columbia Office .....	50,000	83,000	.....
Florida State Office .....	50,000	70,000	.....
Jacksonville Area Office .....	79,800	49,000	.....
Georgia State Office .....	76,800	40,000	.....
Hawaii State Office .....	50,000	40,000	.....
Illinois State Office .....	156,600	145,000	.....
Indiana State Office .....	61,400	40,000	.....
Kansas/Missouri State Office .....	64,500	40,000	.....
St. Louis Area Office .....	50,000	40,000	.....
Kentucky State Office .....	50,000	40,000	.....
Louisiana State Office .....	64,500	40,000	.....
Maryland State Office .....	50,000	40,000	.....
Massachusetts State Office .....	132,100	182,000	.....
Michigan State Office .....	119,800	138,000	.....
Minnesota State Office .....	50,000	52,000	.....

## APPENDIX A TO CD-TA PROGRAM: "FAIR-SHARE" AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE—Continued

HUD CPD field office	HOME TA	McKinney-Vento Act homeless assistance TA	HOPWA TA
Mississippi State Office .....	50,000	40,000	.....
Nebraska State Office .....	50,000	40,000	.....
New Jersey State Office .....	92,100	52,000	.....
New Mexico State Office .....	50,000	40,000	.....
New York State Office .....	267,200	239,000	.....
Buffalo Area Office .....	55,300	57,000	.....
North Carolina State Office .....	67,600	40,000	.....
Ohio State Office .....	144,300	104,000	.....
Oklahoma State Office .....	50,000	40,000	.....
Oregon State Office .....	55,300	40,000	.....
Pennsylvania State Office .....	122,800	106,000	.....
Pittsburgh Area Office .....	61,400	57,000	.....
South Carolina State Office .....	50,000	40,000	.....
Tennessee Knoxville Area Office .....	61,400	40,000	.....
Texas State Office .....	156,600	88,000	.....
San Antonio Area Office .....	50,000	40,000	.....
Virginia State Office .....	55,300	40,000	.....
Washington State Office .....	58,300	67,000	.....
Wisconsin State Office .....	61,400	54,000	.....
National Total .....	1,500,000	.....	2,000,000

**Appendix B to CD-TA Program—List of HUD CPD Field Offices****Alabama**

Alabama State Office, Medical Forum Building, 950 22nd Street North, Suite 900, Birmingham, AL 35203, CPD Telephone Number 205-631-2630, ext 1051, TTY Number: 205-731-2624, Local Hours of Operation: 8 am-4:30 pm

**Alaska**

Alaska State Office, University Plaza Building, 949 East 36th Avenue, Suite 401, Anchorage, AK 99508-4399, CPD Telephone Number: 907-271-3669, TTY Number: 907-271-4328, Local Hours of Operation: 8 am-4:30 pm

**Arizona**

California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102-3448, CPD Telephone Number: 415-436-6597, TTY Number: 415-436-6594, Local Hours of Operation: 8:15 am-4:45 pm

**Arkansas**

Arkansas State Office, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201-3488, CPD Telephone Number: 501-324-6375, TTY Number: 501-324-5931, Local Hours of Operation: 8 am-4:30 pm

**California**

Northern—California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102-3448, CPD Telephone Number: 415-436-6597, TTY Number: 415-436-6594, Local Hours of Operation: 8:15 am-4:45 pm  
Southern—Los Angeles Area Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017, CPD Telephone Number: 213-894-

8000, TTY Number: 213-894-8133, Local Hours of Operation: 8 am-4:30 pm

**Caribbean**

Caribbean Office, 171 Carlos E. Chardon Avenue, Suite 301, San Juan, PR 00918-0903, CPD Telephone Number: 787-766-5400, TTY Number 787-766-5909, Local Hours of Operation: 8 am-4:30 pm

**Colorado**

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202-3607, CPD Telephone Number: 303-672-5414, TTY Number: 303-672-5248, Local Hours of Operation: 8 am-4:30 pm

**Connecticut**

Connecticut State Office, One Corporate Center, 19th Floor, Hartford, CT 06103-3220, CPD Telephone Number: 860-240-4800, TTY Number: 860-240-4665, Local Hours of Operation: 8 am-4:30 pm

**Delaware**

Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380, CPD Telephone Number: 215-656-0624, TTY Number: 215-656-3452, Local Hours of Operation: 8 am-4:30 pm

**District of Columbia**

District of Columbia Office, 820 First Street, NE., Suite 450, Washington, DC 20002, CPD Telephone Number: 202-275-0994, TTY Number: 202-275-0772, Local Hours of Operation: 8 am-4:30 pm

**Florida**

Southern—Florida State Office, 909 Southeast First Avenue, Room 500, Miami, FL 33131, CPD Telephone Number: 305-536-4431, TTY Number: 305-536-4743, Local Hours of Operation: 8:30 am-5 pm  
Northern—Jacksonville Area Office, Southern Bell Tower, 301 West Bay Street, Suite

2200, Jacksonville, FL 32202-5121, CPD Telephone Number: 904-232-1777, TTY Number: 904-232-2631, Local Hours of Operation: 8 am-4:30 pm

**Georgia**

Georgia State Office, Five Points Plaza Building, 40 Marietta Street, Atlanta, GA 30303-2806, CPD Telephone Number: 404-331-5001, TTY Number: 404-730-2654, Local Hours of Operation: 8 am-4:30 pm

**Hawaii**

Hawaii State Office, Seven Waterfront Plaza, 500 Ala Moana Boulevard, Suite 3A, Honolulu, HI 96813-4918, CPD Telephone Number: 808-522-8180, TTY Number: 808-522-8193, Local Hours of Operation: 8 am-4 pm

**Idaho**

Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204-1632, CPD Telephone Number: 503-326-7018, TTY Number: 503-326-3656, Local Hours of Operation: 8 am-4:30 pm

**Illinois**

Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604-3507, CPD Telephone Number: 312-353-1696, TTY Number: 312-353-5944, Local Hours of Operation: 8:15 am-4:45 pm

**Indiana**

Indiana State Office, 151 North Delaware Street, Indianapolis, IN 46204-2526, CPD Telephone Number: 317-226-6790, TTY Number: 317-226-7081, Local Hours of Operation: 8 am-4:45 pm

**Iowa**

Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955, CPD Telephone Number:

402-492-3181, TTY Number: 402-492-3183, Local Hours of Operation: 8 am-4:30 pm

#### Kansas

Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101-2406, CPD Telephone Number: 913-551-5485, TTY Number: 913-551-6972, Local Hours of Operation: 8 am-4:30 pm

#### Kentucky

Kentucky State Office, 601 West Broadway, Post Office Box 1044, Louisville, KY 40201-1044, CPD Telephone Number: 502-582-6163, TTY Number: 1-800-648-6056, Local Hours of Operation: 8 am-4:45 pm

#### Louisiana

Louisiana State Office, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130-3099, CPD Telephone Number: 504-589-7212, TTY Number: 504-589-7279, Local Hours of Operation: 8 am-4:30 pm

#### Maine

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617-994-8350, TTY Number: 617-565-5453, Local Hours of Operation: 8:30 am-5 pm

#### Maryland

Maryland State Office, City Crescent Building, 10 South Howard Street, Fifth Floor, Baltimore, MD 21201-2505, CPD Telephone Number: 410-962-2520, TTY Number: 410-962-0106, Local Hours of Operation: 8 am-4:30 pm

#### Massachusetts

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617-994-8350, TTY Number: 617-565-5453, Local Hours of Operation: 8:30 am-5 pm

#### Michigan

Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226-2592, CPD Telephone Number: 313-226-7188, TTY Number: 313-226-6899, Local Hours of Operation: 8 am-4:30 pm

#### Minnesota

Minnesota State Office, 220 Second Street, South, Minneapolis, MN 55401-2195, CPD Telephone Number: 612-370-3019, TTY Number: 612-370-3186, Local Hours of Operation: 8 am-4:30 pm

#### Mississippi

Mississippi State Office, Doctor A. H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269-1096, CPD Telephone Number: 601-965-4700, TTY Number: 601-965-4171, Local Hours of Operation: 8 am-4:45 pm

#### Missouri

Eastern—St. Louis Area Office, Robert A. Young Federal Building, 1222 Spruce

Street, Third Floor, St. Louis, MO 63103-2836, CPD Telephone Number: 314-539-6524, TTY Number: 314-539-6331, Local Hours of Operation: 8 am-4:30 pm  
Western—Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101-2406, CPD Telephone Number: 913-551-5485, TTY Number: 913-551-6972, Local Hours of Operation: 8 am-4:30 pm

#### Montana

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202-3607, CPD Telephone Number: 303-672-5414, TTY Number: 303-672-5248, Local Hours of Operation: 8 am-4:30 pm

#### Nebraska

Nebraska State Office, Executive Tower Centre 10909 Mill Valley Road, Omaha, NE 68154-3955, CPD Telephone Number: 402-492-3181, TTY Number: 402-492-3183, Local Hours of Operation: 8 am-4:30 pm

#### Nevada

California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102-3448, CPD Telephone Number: 415-436-6597, TTY Number: 415-436-6594, Local Hours of Operation: 8:15 am-4:45 pm

#### New Hampshire

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617-994-8350, TTY Number: 617-565-5453, Local Hours of Operation: 8:30 am-5 pm

#### New Jersey

New Jersey State Office, One Newark Center, 13th Floor, Newark, NJ 07102-5260, CPD Telephone Number: 973-622-7900, TTY Number: 973-645-3298, Local Hours of Operation: 8 am-4:30 pm

#### New Mexico

New Mexico State Office, 625 Silver Avenue S.W., Suite 100, Albuquerque, NM 87102-3185, CPD Telephone Number: 505-346-7271, TTY Number: (TTY Relay Operator): 1-800-877-8339, Local Hours of Operation: 8 am-5 pm

#### New York

Downstate—New York State Office, 26 Federal Plaza, New York, NY 10278-0068, CPD Telephone Number: 212-264-8000, ext. 3401, TTY Number: 212-264-0927, Local Hours of Operation: 8 am-4:30 pm  
Upstate—Buffalo Area Office, Lafayette Court, 465 Main Street, Fifth Floor, Buffalo, NY 14203-1780, CPD Telephone Number: 716-551-5755, TTY Number: 716-551-5787, Local Hours of Operation: 8 am-4:30 pm

#### North Carolina

North Carolina State Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407-3707, CPD Telephone Number: 336-547-4005, TTY Number: 336-547-4055, Local Hours of Operation: 8 am-4:45 pm

#### North Dakota

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202-3607, CPD Telephone Number: 303-672-5414, TTY Number: 303-672-5248, Local Hours of Operation: 8 am-4:30 pm

#### Ohio

Ohio State Office, 200 North High Street, Columbus, OH 43215-2499, CPD Telephone Number: 614-469-5737, TTY Number: 614-469-6694, Local Hours of Operation: 8 am-4:45 pm

#### Oklahoma

Oklahoma State Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102-2233, CPD Telephone Number: 405-553-7569, TTY Number: (TTY Relay Operator): 1-800-877-8339, Local Hours of Operation: 8 am-4:30 pm

#### Oregon

Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204-1632, CPD Telephone Number: 503-326-7018, TTY Number: 503-326-3656, Local Hours of Operation: 8 am-4:30 pm

#### Pennsylvania

Eastern—Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380, CPD Telephone Number: 215-656-0624, TTY Number: 215-656-3452, Local Hours of Operation: 8 am-4:30 pm  
Western—Pittsburgh Area Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222-2515, CPD Telephone Number: 412-644-2999, TTY Number: 412-644-5747, Local Hours of Operation: 8 am-4:30 pm

#### Rhode Island

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617-994-8350, TTY Number: 617-565-5453, Local Hours of Operation: 8:30 am-5 pm

#### South Carolina

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201-2480, CPD Telephone Number: 803-765-5564, TTY Number: 803-253-3071, Local Hours of Operation: 8 am-4:45 pm

#### South Dakota

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202-3607, CPD Telephone Number: 303-672-5414, TTY Number: 303-672-5248, Local Hours of Operation: 8 am-4:30 pm

#### Tennessee

Knoxville Area Office, John J. Duncan Federal Building, 710 Locust Street SW, Third Floor, Knoxville, TN 37902-2526, CPD Telephone Number: 423-545-4391, TTY Number: 423-545-4559, Local Hours of Operation: 7:30 am-4:15 pm

#### Texas

Northern—Texas State Office, 801 Cherry Street, Post Office Box 2905, Fort Worth,

TX 76102, CPD Telephone Number: 817-978-5933, TTY Number: 817-978-9273, Local Hours of Operation: 8 am-4:30 pm  
Southern—San Antonio Area Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207-4563, CPD Telephone Number: 210-475-6820, TTY Number: 210-475-6885, Local Hours of Operation: 8 am-4:30 pm

**Utah**

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202-3607, CPD Telephone Number: 303-672-5414, TTY

Number: 303-672-5248, Local Hours of Operation: 8 am-4:30 pm

**Vermont**

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617-994-8350, TTY Number: 617-565-5453, Local Hours of Operation: 8:30 am-5 pm

**Virginia**

Virginia State Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230-

4920, CPD Telephone Number: 804-278-4500, TTY Number: 804-278-4501, Local Hours of Operation: 8 am-4:30 pm

**Washington**

Washington State Office, Seattle Federal Office Building, 909 1st Avenue, Suite 200, Seattle, WA 98104-1000, CPD Telephone Number: 206-220-5150, TTY Number: 206-220-5185, Local Hours of Operation: 8 am-4:30 pm

**BILLING CODE 4210-32-P**



**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**COMMUNITY DEVELOPMENT  
BLOCK GRANTS FOR INDIAN  
TRIBES AND ALASKAN NATIVE  
VILLAGES**

Billing Code 4210-32-C



**FUNDING AVAILABILITY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES**

**Program Overview**

*(A) Authority*

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) and the regulations in 24 CFR part 1003.

*(B) Purpose of the Program*

The purpose of the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG) is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4.

*(C) Available Funds*

The FY 2002 appropriation for the ICDBG Program is \$70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

*(D) Eligible Applicants*

Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes.

*(E) Application Deadline*

June 6, 2002.

*(F) Match*

None.

*(G) Additional Information*

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

**Please note:** when used in this NOFA the word "tribe" means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, ANCSA Village Corporations, and ANCSA Regional Corporations.

**I. Application Due Date, Addresses for Submission, Tips for Application Preparation, Application Kits, Further Information, and Technical Assistance**

*(A) Application Due Date*

Your completed application (one original and two copies) must be postmarked on or before 12:00

midnight, on June 6, 2002 and be received by the designated Area Office of Native American Programs (ONAP) on or within 15 days of the application due date.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the United States Postal Service. Hand carried applications will not be accepted.

*(B) Addresses for Submitting Applications to the Appropriate Area ONAP*

Submit original signed application and two copies to the appropriate Area ONAP for your jurisdiction. A list of jurisdictions is given below. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the *United States Postal Service*.

If you are applying from this geographic location then * * *	send your application to this Area ONAP:
All States East of the Mississippi River, Plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs Grants Management Division, 77 West Jackson Blvd., Room 2400, Chicago, IL 60604-3507, Telephone: (312) 886-4532, Ext. 2815.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102-3202, Telephone: (405) 553-7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, Telephone: (303) 672-5465.
Arizona, California, and Nevada .....	Southwest Office of Native American Programs, Grants Management Division, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, AZ 85004-2361, Telephone: (602) 379-3865.
New Mexico and West Texas .....	Southwest Office of Native American Programs, Grants Management Division, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102-3368, Telephone: (505) 346-6923.
Idaho, Oregon, Washington .....	Northwest Office of Native American Programs, Grants Management Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104-1000, Telephone: (206) 220-5271.
Alaska .....	Alaska Office of Native American Programs, Grants Management Division, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508-4399, (907) 271-4603.

*(C) General Tips for ICDBG Application Preparation*

In order to expedite the review of your application and to ensure that your application is given a thorough and complete review of all responses to each of the components of the selection criteria, please indicate on the first page of each project submission, the type of project(s) being proposed: Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs,

New Housing Construction or Public Facilities & Improvements. This will help to ensure that the appropriate project specific thresholds and rating sub-factors will be applied.

In addition, please use separate tabs for each rating factor and rating sub-factor. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the NOFA. Limit your narrative explanations to 200 words or less and provide the necessary data such as a market analysis, a pro forma, housing

survey data, etc., that support the response. Include all relevant material to a response under the same tab. Only include that documentation that will clearly and concisely support your response to the rating criteria.

HUD suggests that you do a preliminary rating for your project, providing a score according to the NOFA point system. This will help to show you how your project might be scored by reviewers. Also, it will help to show you where the strengths and weaknesses of the application are

located. This will help you determine where improvements can be made to your application prior to its submission.

#### (D) Application Kits

For an application kit and any supplemental material please call the SuperNOFA Information Center at 1-800-HUD-8929 or the appropriate Area ONAP for your jurisdiction as listed above. Persons with hearing or speech impairments may call the Center's TTY number at 1-800-HUD-2209. An application kit also will be available on the Internet through the HUD Web site at <http://www.hud.gov/grants>. When requesting an application kit, please refer to ICDBG and provide your name, address (including zip code), and telephone number (including area code).

#### (E) Further Information

You should direct general program questions to the Area ONAP serving your area or to Jackie Kruszek, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202; telephone (800) 561-5913. Persons with speech or hearing impairments may call HUD's TTY number (202) 708-0770, or 1-800-877-8399 (the Federal Information Relay Service TTY). Other than the "800" number, these numbers are not toll-free.

#### (F) Technical Assistance

Before the application due date, we will be available to provide you with general guidance and technical assistance. We, however, are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, we are available to assist you in clarifying or confirming information that is required to address a pre-award requirement or condition but will not affect the rating or ranking of your application.

#### Amount Allocated

##### (A) Available Funds

The FY 2002 appropriation for the ICDBG Program is \$70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

##### (B) General

Title I of the Housing and Community Development Act of 1974 which authorizes CDBG requires grants for Indian tribes be awarded on a competitive basis in accordance with selection criteria contained in a regulation promulgated by the Secretary after notice and public comment. All

grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR part 1003. Applicants within an Area ONAP's geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

##### (C) Allocations

The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Following these requirements, based on an appropriation of \$70,000,000 less \$2,000,000 retained to fund Imminent Threat Grants, the allocations for FY 2002 are as follows:

Eastern/Woodland .....	\$ 5,905,403
Southern Plains .....	12,608,675
Northern Plains .....	10,791,499
Southwest .....	27,710,487
Northwest .....	4,741,105
Alaska .....	6,242,832
Total .....	68,000,000

##### (D) Imminent Threats

The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 1003, subpart E. In order to satisfy these criteria, the problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed. In addition, you may use funds only to address imminent threats that are not of a recurring nature and that represent a unique and unusual circumstance that impacts an entire service area. In accordance with the provisions of 24 CFR part 1003, subpart E, we will retain \$2,000,000 to meet the funding needs of imminent threat applications submitted to any of the Area ONAPs. The grant ceiling for imminent threat applications for FY 2002 is \$350,000. We established this ceiling pursuant to the provisions of 24 CFR 1003.400(c).

You do not have to submit a request for assistance under the imminent threat set-aside (24 CFR part 1003, subpart E) by the deadline established in this NOFA. The deadline applies only to applications submitted for assistance under 24 CFR part 1003, subpart D, Single purpose grants.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 24 CFR 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. This application must contain: Standard Form 424, Application for Federal Assistance; a brief description of the proposed project; Form HUD-4123, Cost

Summary; Form HUD-4125, Implementation Schedule; Form HUD-2880, Applicant/Recipient Disclosure/Update Report; and, Form HUD-50070, Certification for a Drug-Free Workplace.

### III. Program Description; Eligible Applicants; Eligible Activities; and Definitions

#### (A) Program Description

The purpose of the ICDBG Program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes.

#### (B) Eligible Applicants

To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization) by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under title I of the Indian Self-Determination and Education Assistance Act. A determination of such eligibility must be made by the Bureau of Indian Affairs or the Indian Health Service, as appropriate. This determination must be provided to the ONAPs by the application submission date.

If a tribe or tribal organization claims that it is a successor to an eligible entity, the ONAPs must review the documentation to determine whether it is in fact the successor entity.

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

On March 13, 2000 (65 FR 13298), the Bureau of Indian Affairs published a

**Federal Register** notice entitled "Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs." This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian Tribes as the term is defined and used in 25 CFR part 83. Additionally, pursuant to title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application submission date. (See 24 CFR 1003.5 for a complete description of eligible applicants.)

#### (C) Eligible Activities

Activities that are eligible for ICDBG funding are identified at 24 CFR part 1003, subpart C. Please note that although this subpart has not yet been revised to include the restrictions on activity eligibility that were added to section 105 of the CDBG statute by section 588 of the Quality Housing and Work Responsibility Act of 1998, these restrictions apply. Specifically, ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs. The rating factors included under V (J) specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction, housing rehabilitation, land acquisition to support new housing, homeownership assistance, public facilities and improvements, economic development, and micro-enterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. For a complete description of eligible activities, please refer to 24 CFR Part 1003 Subpart C.

(1) *Acquisition of property.* This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Public Facilities and Improvements or Economic Development depending on the purpose of the land acquisition to support new construction.

(2) *Assistance to Institutions of Higher Learning.* If such entities have the

capacity, they can help the ICDBG grantees to implement eligible projects.

(3) *Assistance to Community Based Development Organizations (CBDO's).* Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development or energy conservation.

(4) *Clearance, Demolition.* These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements or Land to Support New Housing.

(5) *Code Enforcement.* This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202. HUD approval is required prior to demolition of any assisted housing.

(6) *Comprehensive Planning.* This activity is eligible, and can be proposed, as part of any otherwise eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

(7) *Energy Efficiency.* Associated activities can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of energy efficiency activity.

(8) *Lead Based Paint Abatement and Evaluation.* These activities can be proposed under Housing Rehabilitation.

(9) *Non-Federal Share.* ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR part 1003, Subpart C.

(10) *Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements).* These activities can be proposed under Economic Development. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

(11) *Privately Owned Utilities.* Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

(12) *Removal of Architectural Barriers.* This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of structure where the barrier will be removed.

#### (D) Definitions

(1) *Adopt.* To approve by formal tribal resolution.

(2) *Assure.* To comply with a specific NOFA requirement. As an applicant,

you must state your compliance or your intent to comply in your application.

(3) *Document.* To supply supporting written information and/or data in the application that satisfies the NOFA requirement.

(4) *Entity Other than Tribe.* A distinction is made between the requirements for point award under Rating Factor 3 if a tribe or an entity other than the tribe will assume maintenance and related responsibilities for projects other than economic development and land acquisition to support new housing. Entities other than the tribe must have the following characteristics: must be legally distinct from the tribal government; their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; claims against such entities cannot be made against the tribal government; and, must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.

Entities other than the tribe may be completely external to the tribe, e.g., a Federal agency, or may be an entity formed or chartered under provisions of tribal law, e.g., a tribally chartered non-profit or for-profit corporation, tribal utility authority, or tribal political subdivision. For example, a housing office that is operated as a department of the tribe would be considered the tribe. However, a housing office that is operated as a tribally designated housing entity (TDHE) would be considered an entity other than the tribe.

(5) *Homeownership Assistance Programs.* Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that ICDBG funds may not be used to guarantee such mortgage financing directly, and grantees may not provide such guarantees directly); provide up to 50 percent of any downpayment required from a low- and moderate-income homebuyer; or, pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income homebuyer.

(6) *Leverage*. Resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to: tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants; and non-cash contributions and donated services. (See Rating Factor 4 of this NOFA for documentation requirements for point award for leveraged resources.)

(7) *Microenterprise Programs*. Tribes may apply for assistance to operate programs to fund the development, expansion and stabilization of microenterprises. Microenterprises are defined as commercial entities with five or fewer employees, including the owner. Microenterprise program activities may entail the following assistance to eligible businesses: providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises; providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services to owners of microenterprises and persons developing microenterprises.

(8) *Operations and Maintenance (O&M) for Public Facilities and*

*Improvements*. While various items of cost will vary in importance and significance depending on the type of facility proposed, there are items of expense related to the operation of the physical plant which must be addressed in a O&M plan (tribe assumes responsibility) or letter of commitment (entity other than tribe will assume these responsibilities). These items include daily or other periodic maintenance activities; repairs such as replacing broken windows; capital improvements or replacement reserves for repairs such as replacing the roof; fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines); and, security (may not be applicable to many types of infrastructure projects such as roads).

Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, as defined, these O&M costs do not include the program service provision costs related to the delivery of services (social, health, recreational, educational or other) which may be provided in a facility.

(9) *Project Cost*. The total cost to implement the project. Project cost includes both ICDBG and non-ICDBG funds and resources.

(10) *Standard Housing/Standard Condition*. Housing that meets the housing quality standards (HQS) adopted by the applicant. The HQS adopted by the applicant must be at

least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher Program) unless the ONAPs approve less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. You may submit, before the application due date, a request for the approval of standards less stringent than Section 8 HQS. If you submit the request with your application, you should not assume automatic approval by the ONAPs. The adopted standards must provide for a safe house, in physically sound condition with all systems performing their intended design functions; a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and, an adequate space and privacy for all intended household members.

**IV. Program Requirements**

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following requirements:

(A) *Program Requirements Applying to All Projects*

(1) *Grant Ceilings*. The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 2002 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern/Woodlands .....	ALL .....	\$500,000
Southern Plains .....	ALL .....	750,000
Northern Plains .....	ALL .....	800,000
Southwest .....	50,001+ .....	5,000,000
	10,501-50,000 .....	2,500,000
	7,501-10,500 .....	2,000,000
	6,001-7,500 .....	1,000,000
	1,501-6,000 .....	750,000
	0-1,500 .....	550,000
Northwest .....	ALL .....	500,000
Alaska .....	ALL .....	500,000

For the Southwest Area ONAP jurisdiction, the population used to determine ceiling amounts is the Native American population that resides on a reservation or rancheria. Please contact that office before submitting your application if you are unsure of the population level to use to determine the ceiling amount for your tribe or if you believe that the level used for previous years needs to be revised or corrected. The Southwest ONAP must approve any corrections or revisions to Native

American population data before you submit your application.

(2) *Environmental Requirements*. As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR part 58. Grantees may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification

submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to HUD approval may result in the denial of assistance for the project or activities under consideration.

(3) *Indian Preference*. HUD has determined that the ICDBG program is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). The provisions and requirements for

implementing this section are in 24 CFR 1003.510.

(4) *Anti-discrimination Provisions.* Under the authority of section 107(e)(2) of the CDBG statute, HUD waived the requirement that recipients comply with the anti-discrimination provisions in section 109 of the CDBG statute with respect to race, color, and national origin. You must comply with the other prohibitions against discrimination in section 109 (HUD's regulations for section 109 are in 24 CFR part 6) and with the Indian Civil Rights Act.

(5) *Conflict of Interest.* In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

(6) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 requirements apply to the ICDBG Program, but as stated in 24 CFR 135.3(c), the procedures and requirements of 24 CFR part 135 apply to the maximum extent consistent with, but not in derogation of, compliance with Indian Preference.

*(B) Program Requirements Applying to Specific Projects*

*(1) Low and Moderate Income Status for Rehabilitation Projects.*

All households that receive grant assistance under a housing rehabilitation project will be of low- and moderate-income status.

*(2) Housing Rehabilitation Cost Limits.*

Grant funds spent on rehabilitation per house must fall within the following limits for each Area ONAP jurisdiction:

(i) Eastern/Woodlands .....	\$35,000
(ii) Southern Plains .....	20,000
(iii) Northern Plains .....	35,000
(iv) Southwest .....	40,000
(v) Northwest .....	40,000
(vi) Alaska .....	55,000

*(3) Commitment to Housing for Land Acquisition to Support New Housing Projects.* For land acquisition to support new housing projects, your application must include evidence of a financial commitment and an ability to construct at least 25 percent of the housing units to be built on the land proposed for acquisition. This evidence must consist of one (or more) of the following: a firm or conditional commitment to construct (or to finance the construction of) the units; documentation that an approvable application for the construction of these units has been submitted to a funding

source or entity; or, documentation that these units are specifically identified in the Indian Housing Plan (IHP), (one-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and Table 2, Financial Resources, Part III) submitted on or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) (aka the Native American Housing Block Grant (NAHBG)) resources. If the IHP for the IHBG (aka NAHBG) Program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed project.

(4) *Health Care Facilities.* If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must assure that the facility meets all applicable IHS facility requirements. We recognize that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

*(C) Inapplicable General Section Program Requirements*

Please note that the requirements in the General Section regarding conducting business in accordance with HUD core values and ethical standards do not apply to the ICDBG Program. The provision in II(C) of the General Section giving two bonus points for eligible activities/projects to be located in a RC/EZ/EC does not apply. In addition, the requirements in Section II(D) of the General Section of the SuperNOFA regarding applicability of affirmatively furthering fair housing do not apply. The requirement is inconsistent with section 106(a) of the Housing and Community Development Act of 1974, as amended, which specifically makes inapplicable to the ICDBG program the requirement of section 104(b)(2) that the grantee certify that it will affirmatively further fair housing.

**V. Application Selection Process**

You, the applicant, must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA. Your application must meet all screening for acceptance requirements and all applicant and project specific thresholds listed below. HUD will review each application and assign points in accordance with the selection factors described in this section. A maximum of 100 points may

be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. To be considered for funding, your application must receive a minimum of 15 points under rating factor 1 and an application score of 70 out of the possible total of 100.

*(A) Screening for Acceptance*

ONAPs will screen applications for single purpose grants. The ONAPs will reject an application that fails this screening and will return the application unrated. The ONAPs will accept your application if it meets all the criteria listed below as items (1) through (6):

(1) Your application is received or submitted in accordance with the requirements set forth under Address and Application and Submission Procedures in the General Section of this SuperNOFA;

(2) You are eligible;

(3) The proposed project is eligible;

(4) Your application contains substantially all the components specified in VI of the ICDBG Program Section of this SuperNOFA;

(5) Your application shows that at least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 1003.208; and

(6) Your application is for an amount that does not exceed the grant ceilings that are established by the NOFA.

*(B) Threshold Review*

ONAPs will review each application that passes the screening process to ensure that each applicant and each proposed project meets the applicant threshold requirements set forth in 24 CFR 1003.301(a) and the project specific threshold requirements set forth in 24 CFR 1003.302.

*(C) Rating*

The ONAPs will review and rate each project that meets the acceptance criteria and threshold requirements. The total points for all rating factors is 100. A maximum of 100 points may be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA. To be considered for funding, your application must receive a minimum of

15 points under rating factor 1 and an application score of 70 out of the possible total of 100.

*(D) Public Service Projects*

Because there is a statutory 15 percent cap on the amount of grant funds that may be used for public services activities, you may not receive a single purpose grant solely to fund public services activities. Your application, however, may contain a public services component for up to 15 percent of the total grant. This component may be unrelated to the other project(s) included in your application. If your application does not receive full funding, we will reduce the public services allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public services allocation renders such a project infeasible, the project will not be funded.

*(E) Final Ranking*

We will rank all projects against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. We will select projects for funding based on this final ranking, to the extent that funds are available. We will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, ONAPs may approve a grant amount less than the amount requested. In doing so, ONAPs may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, and the reasonableness of the project costs. If the ONAPs determine that there are not enough funds available to fund a project as proposed by the applicant, they may decline to fund that project and may fund the next highest-ranking project or projects for which adequate funds are available. The ONAPs may select, in rank order, additional projects for funding if one of the higher-ranking projects is not funded or if additional funds become available.

*(F) Tiebreakers*

When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the ONAPs will approve projects that can be fully funded over those that cannot be

fully funded. When that does not resolve the tie, the ONAPs will use the following factors in the order listed to resolve the tie:

(1) The applicant that has not received an ICDBG over the longest period of time.

(2) The applicant with the fewest active ICDBGs.

(3) The project that would benefit the highest percentage of low and moderate income persons.

*(G) Pre-award Requirements*

If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before we can make a grant award. Please see Section V of the General Section of this NOFA for a definition of such a deficiency and a description of the process to address and correct the deficiency. You must correct all technical deficiencies within the timeframe established by HUD. If they are not corrected, we will not make the grant award and will reject your application.

We also may require a successful applicant to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. We will normally give you no less than thirty (30) calendar days to respond to these requirements. If you do not respond within the prescribed time period or you make an insufficient response, the ONAPs may determine that you have not met the requirements and may withdraw the grant offer. The ONAPs require you to submit supporting documentation if specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; or you have not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project. You may not substitute new projects for those originally proposed in your application nor will this information affect your project's rating and ranking. We will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

*(H) General Threshold Requirement*

According to 24 CFR 1003.301(a), an applicant who has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule will be disqualified from the competition.

*(I) Project Specific Threshold Requirements*

Please indicate on the first page of each project submission, the type of project(s) (Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities & Improvements) that is (are) being proposed. This will help to ensure that the appropriate project specific thresholds and rating sub-factor will be applied.

In addition, for definitions of "assure" and "document", please refer to Section III(D), Definitions of this Program Section of the SuperNOFA.

*(1) Housing Rehabilitation Project Thresholds.*

(a) In accordance with 24 CFR 1003.302(a), for housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. *You must submit these standards and policies with the application.*

(b) In accordance with 24 CFR 1003.302(a), you must also provide an assurance that project funds will be used to rehabilitate HUD-assisted houses only when the tenant/homebuyer's payments are current or the tenant/homebuyer is current in a repayment agreement except in an emergency situation. Exceptions to this requirement must be approved by the ONAP Administrator on a case-by-case basis.

*(2) Land Acquisition to Support New Housing Project Thresholds.* No project specific thresholds.

*(3) New Housing Construction Project Thresholds.* (a) In accordance with 24 CFR 1003.302, new housing construction can only be implemented through a Community Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide documentation establishing that the entity implementing your new housing construction project qualifies as a CBDO.

(b) In accordance with 24 CFR 1003.302, you must also submit with your application a current tribal resolution adopting and identifying construction standards. The construction standards may be a tribal building code or a nationally recognized model code. If it is a tribal code, it must regulate all of the areas and sub-areas identified in 24 CFR 200.925(b). If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925(c).

(c) In accordance with 24 CFR 1003.302, you must also include in your application documentation supporting the following:

(i) All households to be assisted under a new housing construction project must be of low or moderate income status;

(ii) No other housing is available in the immediate reservation area that is suitable for the households to be assisted;

(iii) No other funding sources including an IHBG (aka NAHBG) can meet the needs of the household(s) to be served; and

(iv) The house occupied by the household to be assisted is not in standard condition and rehabilitation is not economically feasible, the household is currently in an overcrowded house (more than one household per house), or the household to be assisted has no current residence.

(4) *Homeownership Assistance Project Thresholds*. No project specific thresholds.

(5) *Public Facilities and Improvements Project Thresholds*. No project specific thresholds.

(6) *Economic Development Project Thresholds*. In accordance with 24 CFR 1003.302, for economic development assistance you must provide a financial analysis. The financial analysis must demonstrate that the project is financially feasible and the project has a reasonable chance of success. The analysis must also demonstrate the public benefit resulting from the ICDBG assistance. The more funds you request, the greater public benefit you must demonstrate. The analysis must also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount provided will not substantially reduce the amount of non-federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and that grant funds used for the project will be disbursed on a pro-rata basis

with amounts from other sources. In addition, it must be established that the project is financially feasible and has a reasonable chance of success.

(7) *Microenterprise Program Thresholds*. No project specific threshold.

(J) *Factors for Award Used To Evaluate and Rate Applications*

The factors for rating and ranking applications and the points for each factor are provided below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 15 points under rating factor 1 and an application score of 70 out of the possible total of 100, the maximum any project can receive. The following summarizes the points assigned to each rating factor and each rating sub-factor and lists which rating sub-factors apply to which project types. Please use this table to ensure you are addressing the appropriate rating sub-factor for your project.

Rating factor	Rating and sub-factor	Points	Project type
1	Total	30	Minimum of 15 Points Required.
	(1)(a)	10	All Project Types.
	(1)(b)	*5 or 7	All Project Types.
	(1)(c)	*3 or 8	All Project Types.
	(1)(d)	*2 or 5	All Project Types.
	(2)(a)	*2 or 0	All Project Types.
	(2)(b)	*2 or 0	All Project Types.
	(2)(c)	*2 or 0	All Project Types.
	(2)(d)	*2 or 0	All Project Types.
	(2)(e)	*2 or 0	All Project Types.
2	Total	20	All Project Types.
	1	5	All Project Types.
	(2)(a)	15	Public Facilities and Improvements and Economic Development Projects.
	(2)(b)	15	New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects.
3	(2)(c)	15	Microenterprise Programs.
	Total	35	
	(1)	19	All Project Types.
	(2)	1	All Project Types.
	(3)	1	All Project Types.
	(4)(a)(i)	15	Public Facilities and Improvements (tribe assumes O&M responsibilities).
	(4)(a)(ii)	15	Public Facilities and Improvements (entity other than tribe assumes O&M responsibilities).
	(4)(b)	15	New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.
	(4)(c)	15	Economic Development.
(4)(d)	15	Microenterprise Programs.	
4	(4)(e)	15	Land Acquisition to Support New Housing.
	Total	10	All Project Types.
5	Total	5	All Project Types.
Total possible.		100	Minimum of 70 Points Required.

\* The first number listed indicates the maximum number of points available to current ICDBG grantees under this sub-factor. The second number indicates the maximum number of points available to new applicants.

**Rating Factor 1: Capacity of the Applicant (30 Points)**

This factor addresses the extent to which you have the organizational

resources necessary to successfully implement the proposed activities in a timely manner. If applicable, past performance in administering previous

ICDBG grants will be taken into consideration. Please specifically address the existence or availability of these resources for the *specific type of*

*activity* for which you are applying. You must receive a minimum of 15 points under this factor for your proposed activity to be eligible for funding. HUD will not rate any projects further that do not receive a minimum of 15 points under this factor.

(1) Managerial, Technical, and Administrative Capability

(20 points for current ICDBG grantees)  
(30 points for new applicants)

Your application must include documentation demonstrating that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. Your application must address who will administer the project and how you plan to handle the technical aspects of executing the project.

(a) Managerial and Technical Staff  
(10 points)

The extent to which your application describes the roles/responsibilities and the knowledge/experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning, managing and implementing projects for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

(b) Project Management Plan and Method

(5 points for current ICDBG grantees)  
(7 points for new applicants)

The extent to which your project management plan identifies the specific actions that you and your partners contractors and/or sub grantees will take to complete your proposed project on time and within budget. Your management plan must include a description of the management structure for the program and a schedule outlining the estimated completion of all tasks associated with your proposed project.

(c) Financial Management

(3 points for current ICDBG grantees)  
(8 points for new applicants)

The extent to which your application describes how your financial management systems will facilitate effective fiscal control over your proposed project. Effective fiscal control will be judged in terms of your financial management and/or internal control policies and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by a tribal resolution adopting such policies and procedures and the adopted resolution is included with your application; how you will apply your financial systems to the specific project for which you are applying; and, the findings of your most recent financial audit or a letter of endorsement from your auditor if the most recently conducted audit report has not been finalized is included with your application.

(d) Procurement and Contract Management

(2 points for current ICDBG grantees)  
(5 points for new applicants)

The extent to which your application describes how your procurement and contract administration policies and procedures will facilitate effective procurement and contract control over your proposed project. Effective procurement and contract control will be judged in terms of your procurement and contract administration policy and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by an adopted resolution and included with your application, and how you will apply your procurement and contract systems to the specific project for which you are applying.

(2) Past Performance

(10 points for current ICDBG grantees)  
(0 points for new applicants)

Your performance in administering ICDBG grants over the preceding 12-month period on any open ICDBG grant will be evaluated based on the following performance measures.

(a) (2 points for current ICDBG grantees) (0 points for new applicants) You have had satisfactory progress in meeting the time frames established in the HUD-approved Implementation Schedule for the ICDBG Program.

(b) (2 points for current ICDBG grantees) (0 points for new applicants) You have had timely submission of required reports including the Annual Status and Evaluation Report and Federal Cash Transaction Report for the ICDBG Program.

(c) (2 points for current ICDBG grantees) (0 points for new applicants)

You have submitted close-out documents to HUD in a timely manner. Close-out documents are required for the ICDBG Program within 90 days of the date it is determined that the criteria for close out at 24 CFR 1003.508 have been met.

(d) (2 points for current ICDBG grantees) (0 points for new applicants) You have submitted in a timely fashion annual audits in accordance with the ICDBG Program requirements and OMB Circular A-133 and its compliance supplements.

(e) (2 points for current ICDBG grantees) (0 points for new applicants) You have resolved in a timely fashion ICDBG monitoring findings and controlled audit findings or no findings in current reports.

**Rating Factor 2: Need/Extent of the Problem (20 Points)**

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

(1) (5 points) Your application includes documentation demonstrating that the proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community.

(2) (15 points) Your project benefits the neediest segment of the population. The criteria for this sub-factor vary according to the type of project for which you are applying. Please note that you may submit data that are unpublished and not generally available in order to meet the requirements of this section. However, to do so, you must submit a demographic data certification along with supporting documentation as described in Section VI (A) and (C)(6) below.

*(a) Public Facilities and Improvements and Economic Development Project*

The proposed activities benefit the neediest segment of the population, as identified below. For economic development projects, you may consider beneficiaries of the project as persons served by the project and/or persons employed by the project.

(15 points) 85 percent or more of the beneficiaries are low or moderate income.

(10 points) At least 75 percent but less than 85 percent of the beneficiaries are low or moderate income.

(5 points) At least 55 percent but less than 75 percent of the beneficiaries are low or moderate income.

(0 points) Less than 55 percent of the beneficiaries are low or moderate income.

*(b) New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects*

(15 points) The Indian tribe's IHBG (aka NAHBG) amount was \$100,000 or less in IHBG (aka NAHBG) funds.

(10 points) The Indian tribe's IHBG (aka NAHBG) amount was more than \$100,000 but at most \$300,000 in IHBG (aka NAHBG) funds.

(5 points) The Indian tribe's IHBG (aka NAHBG) amount was more than \$300,000 but at most \$500,000 in IHBG (aka NAHBG) funds.

(0 points) The Indian tribe's IHBG (aka NAHBG) amount was more than \$500,000 in IHBG (aka NAHBG) funds.

*(c) Microenterprise Programs*

The owner(s) of the microenterprise must be low or moderate income and the majority of the jobs created or retained will be for low- or moderate-income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. The owners of the microenterprises are low and moderate income *and*:

(15 points) All employees are low or moderate income.

(10 points) At least 75 percent but less than 100 percent of the employees are low or moderate income.

(5 points) At least 55 percent but less than 75 percent of the employees are low or moderate income.

(0 points) Less than 55 percent of the employees are low and moderate income.

**Rating Factor 3: Soundness of Approach (35 Points)**

This factor addresses the quality and anticipated effectiveness of your proposed project in meeting the needs you have identified in Rating Factor 2 and the commitment to sustain your proposed project. The populations that were described in demographics that documented need should be the same populations that will receive the primary benefit of the proposed project.

*(1) (14 points) Description of and Rationale for Proposed Project*

The extent to which your proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of your application. You must describe the proposed project in detail and indicate why you believe the proposed project will be most effective in addressing the identified need. Appropriate

information to address this subfactor includes the size, type and location of the project; rationale for project design; and, anticipated cost savings due to innovative program design and/or construction methods. For land acquisition to support new housing projects, you must establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project.

*(2) (5 points) Budget and Cost Estimates*

The quality, thoroughness, and reasonableness of the proposed project budget. Cost estimates must be broken down by line item for each proposed activity and documented by outside sources when appropriate.

*(3) (1 point) Accessible Design Features*

Your application incorporates accessible design features into your proposed project and provides associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA.

*(4) (15 points) Commitment to Sustain Activities*

Your application demonstrates your commitment to sustain your proposed activities. The criteria for this sub-factor vary according to the type of project for which you are applying.

*(a) Public Facilities and Improvement Projects*

*(i) If the tribe assumes operation and maintenance responsibilities for public facilities and improvements, a resolution that both adopts the operation and maintenance plan and commits necessary funds must be included in the application*

(15 points) The plan itself is included and addresses maintenance, repairs, insurance, replacement reserves and includes a cost breakdown for annual expenses; for community buildings only, the source of operating funds is identified for any recreation, social or other services to be provided by the tribe or other entities and letters of commitment from service providers are included which address both operating expenses and space needs.

(10 points) A resolution adopting the operation and maintenance plan and committing funds is included; the plan is included and addresses most, but not all above items, but does include a satisfactory cost breakdown; for community buildings only, above service provider commitments (if

applicable) as well as the source of operating funds are included. Information provided is sufficient to determine that the project will proceed effectively.

(5 points) A resolution adopting the plan and committing funds, or a plan addressing most of the above items is included. Information provided is sufficient to determine that the project will proceed effectively.

(0 points) None of the above criteria are met.

*(ii) If an entity other than the tribe commits to pay for operation and maintenance for public facilities and improvements, the application must contain a letter of commitment from the entity that assumes the operation and maintenance responsibilities.*

(15 points) Your application contains a letter of commitment from the entity that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, as well as commits the necessary funds to provide for these responsibilities; for community buildings only, the source of funds for program service provision is identified for any recreation, social or other services to be provided by the tribe or other entities and letters of commitment from service providers are included which address both these funds and space needs.

(10 points) Your application contains a letter of commitment identifying maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, but no information committing the necessary funds is included; for community buildings only, the source of funds for program service provision is identified for any applicable services to be provided by the tribe or other entities and letters of commitment from applicable providers are included which address both these funds and space needs.

(5 points) Your application identifies the maintenance provider and, if applicable, responsibilities for operations the entity will assume, but a letter of commitment is not provided; for community buildings only, letters of commitment to provide services are included but no information regarding the provision of these funds or space needs is provided.

(0 points) None of the above criteria are met.

*(b) New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects*

(15 points) The ongoing maintenance responsibilities are clearly identified for

the tribe and/or the participants, as applicable. All participant maintenance responsibilities are included on a statement to be signed by the participant as a condition of receiving grant assistance and the statement to be used is included in the application.

(10 points) Maintenance responsibilities are identified, but lacking in detail, and the above statement to be signed by the participant is submitted.

(5 points) Tribal maintenance responsibilities are identified but participant responsibilities are either not addressed or do not exist.

(0 points) None of the above criteria are met.

*(c) Economic Development Projects*

You must include information or documentation which addresses or provides the following in the application: A description of the organizational system and capacity of the entity that will operate the business; the feasibility and market analysis of the proposed business activity and the financial viability of the project.

Appropriate documents to include in the application to address these items include:

(i) Articles of incorporation, by-laws, resumes of key management positions and board members.

(ii) Business operating plan.

(iii) Market study no more than two years old.

(iv) Feasibility study indicating how the proposed business will capture a fair share of the market.

(v) Detailed cost summary for the development of the project.

(vi) Five year operating or cash flow financial projections.

(vii) For the expansion of an existing business, copies of financial statements for the most recent three years (or the life of the business, if less than three years).

(15 points) All above documents applicable to the proposed project are included in your application and provide evidence that the project's chance for financial success is excellent.

(8 points) All or most of the above documents applicable to the proposed project are included and provide evidence that the project's chance for financial success is reasonable.

(0 points) Neither of the above criteria is met.

*(d) Microenterprise Programs*

You must include the following information or documentation in the application that addresses or provides a description of how your microenterprise program will operate. Appropriate

information to include in the application to address program operations includes:

(i) Program description. A description of your microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for such assistance.

(ii) Processes for selecting applicants. A description of your processes for analyzing microenterprise applicants' business plans, market studies and financial feasibility. For credit programs, you describe your process for determining the loan terms (i.e. interest rate, maximum loan amount, duration, loan servicing provisions) to be offered to individual microenterprise applicants.

(15 points) All of the above information or documentation applicable to the proposed project are thoroughly addressed in the application and the chances for success are excellent.

(8 points) All or most of the above information or documentation applicable to the proposed project are addressed in the application and the chances for success are reasonable.

(0 points) Neither of the above criteria is met.

*(e) Land Acquisition Projects to Support New Housing*

Submissions must include the results of a preliminary investigation conducted by a qualified independent entity demonstrating that the proposed site has suitable soil conditions for housing and related infrastructure, available drinking water, access to utilities, vehicular access, drainage, nearby social and community services, and no known environmental problems.

(15 points) The submissions include all of the above-mentioned items and all necessary infrastructure is in place.

(8 points) The submissions demonstrate that the proposed site(s) is/are suitable for housing but that not all necessary infrastructure is in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure demonstrates that such infrastructure, as needed for proposed housing development, will be developed in time for such development, but no later than two years after site purchase.

(0 points) Neither of the above criteria is met.

**Rating Factor 4: Leveraging Resources (10 Points)**

HUD believes that ICDBG funds can be used more effectively to benefit a

larger number of Native American persons and communities if projects are developed that use tribal resources and resources from other entities in conjunction with ICDBG funds. To encourage this, we will award points based on the percentage of non-ICDBG resources provided relative to project costs as follows:

Non-ICDBG resources to project costs	Points
Less than 5 percent .....	0
At least 5 percent but less than 10 percent .....	2
At least 10 percent but less than 15 percent .....	4
At least 15 percent but less than 20 percent .....	6
At least 20 percent but less than 25 percent .....	8
25 percent or more .....	10

Contributions which could be considered as leveraged resources for point award include, but are not limited to: Tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants including IHBG (aka NAHBG) funds; donated goods and services needed for the project; land needed for the project; and, direct administrative costs.

Contributions that will not be considered include, but are not limited to: Indirect administrative costs as identified in OMB Circular A-87, attachment A, section F; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

To be considered for point award, letters of firm commitments, memoranda of understanding, or agreements to participate from any entity, including the tribe that will be providing a contribution to the project must accompany the application.

To demonstrate the commitment of tribal resources, the application must contain a council resolution or legal equivalent that identifies and commits the tribal resources to the project, subject to approval of the ICDBG assistance and favorable outcome of any environmental review required under 24 CFR part 58 for the project. In the case of IHBG (aka NAHBG) funds, whether they are administered by the tribe or a TDHE, an approved IHP must identify and commit the IHBG (aka NAHBG) resources to the project. If the tribe/ TDHE intends to include the leveraged commitment in a future IHP, the application must contain a council resolution or legal equivalent that identifies and commits the IHBG (aka

NAHBG) resources to the project subject to the same requirements as above.

To demonstrate the commitment of public agency, foundation, or other private party resources, a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject, must be submitted with the application. All letters of commitment must include the donor organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource and method for valuation, and the purpose of that resource within the proposed project. The commitment must be signed by an official of the organization legally authorize to make commitments on behalf of the organization and must be conditional upon favorable outcome of any environmental review required under 24 CFR part 58 for the project.

In addition to the above requirements, for all contributions of goods, services and land, you must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs (or time estimates, if appropriate) that support the donation. Land valuation must be established using one of the following methods and the documentation must be contained in the application: A site specific appraisal no more than two years old; an appraisal of a nearby comparable site also no more than two years old; a reasonable extrapolation of land value based on current area realtor value guides; or, a reasonable extrapolation of land value based on recent sales of similar properties in the same area.

#### **Rating Factor 5: Comprehensiveness and Coordination (5 Points)**

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs including assisting beneficiaries and the program to achieve self-sufficiency/sustainability.

(1) (2 points) Your application addresses the extent to which you have coordinated your activities with other organizations that are not directly participating in your proposed work activities (not project partners such as those listed under Rating Factor 4: Leveraging), but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. For example, your project is consistent with and, to the extent possible, identified in the IHP

(One-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and, Table 2, Financial Resources, Part II) submitted by you or on your behalf for the IHBG (aka NAHBG) Program. If the IHP for the IHBG (aka NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed project.

(2) (3 points) Your proposed project will accomplish measurable outcomes such as number of jobs created or obtained; education or job training opportunities provided, increased economic self-sufficiency of recipients of program beneficiaries; increased homeownership rates; and, reduction of drug-related crime or health related hazards.

#### **VI. Application Submission Requirements**

##### *(A) Demographic Data*

You may submit data that are unpublished and not generally available in order to meet the requirements of this section. You must certify that:

(1) Generally available, published data are substantially inaccurate or incomplete;

(2) Data provided have been collected systematically and are statistically reliable;

(3) Data are, to the greatest extent feasible, independently verifiable; and Data differentiate between reservation and BIA service area populations, when applicable.

##### *(B) Publication of Community Development Statement*

You must prepare and publish or post the community development statement portion of your application according to the citizen participation requirements of 1003.604.

##### *(C) Application Submission*

Your application must contain the items listed below. You must also include the forms, standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding and can be found in Appendix B to the General Section of the SuperNOFA. Those forms listed in that Appendix that are applicable to this funding are as follows:

- (1) Standard Form for Application for Federal Assistance (SF-424)
- (2) Federal Assistance Funding Matrix and Certifications (HUD-424M)
- (3) Drug-Free Workplace Certification (HUD-50070).

- (4) Applicant/Recipient Disclosure/Update Report (HUD-2880).
- (5) Certification Regarding Debarment and Suspension (HUD-2992).
- (6) Certification of Consistency with RC/EZ/EC Strategic Plan (HUD-2990), if applicable;
- (7) Acknowledgement of Application Receipt (HUD-2993).
- (8) Client Comments and Suggestions (HUD-2994), optional.

In addition, if the application has been submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit concurring resolutions from the Indian tribe stating that the tribal organization is applying on the tribe's behalf.

The other required items are as follows:

(1) Community Development Statement that includes:

(a) Components that address the general threshold requirement and the relevant project specific thresholds and rating factors;

(b) A schedule for implementing the project (form HUD-4125, Implementation Schedule); and

(c) Cost information for each separate project, including specific activity costs, administration, planning, technical assistance, and total HUD share (form HUD-4123, Cost Summary);

(2) Certifications (form HUD 4126);

(3) A map showing project location, if appropriate;

(4) If the proposed project will result in displacement or temporary relocation, a statement that identifies:

(a) The number of persons (families, individuals, businesses, and nonprofit organizations) occupying the property on the date of the submission of the application (or date of initial site control, if later);

(b) The number to be displaced or temporarily relocated;

(c) The estimated cost of relocation payments and other services;

(d) The source of funds for relocation; and

(e) The organization that will carry out the relocation activities;

(5) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(6) If applicable, the demographic data certification described in Section VI(A) and V(J), Rating Factor 2 of this NOFA. The data accompanying the certification must identify the total number of persons benefiting from the project and the total number of low-and-moderate persons benefiting from the project. Supporting documentation must

include a sample copy of a completed survey form and an explanation of the methods used to collect the data, and a listing of incomes by household.

#### **VIII. Applicant Debriefing**

Please refer to Section VII (E)(2) of the General Section of this SuperNOFA.

#### **IX. Error and Appeals**

Judgments made within the provisions of this NOFA and the

program regulations (24 CFR part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the ONAPs within 30 days of being informed of your score. If an arithmetic error was made in the application review and rating process that, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable

project, the ONAPs may fund that project in the next funding round without further competition.

#### **Appendix A**

The non-standard forms, which follow, are required for your ICDBG application.

**BILLING CODE 4210-32-P**



Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

#### Instructions for Item 4.

##### Project Name and Project Type

Participants enter the project name and the name of one of the following three categories of activities:

- Housing
- Community Facilities
- Economic Development

Also enter the component name if applicable. Use a separate Cost Summary sheet (form HUD-4123) for each project included in the application.

Examples of categories and/or components including examples of eligible activities are listed below.

##### Housing

- Rehabilitation Component
  - Rehabilitation
  - Demolition

##### Land to Support New Housing Component

##### New Housing Construction Component

##### Community Facilities

##### Infrastructure Component

- Water
- Sewer
- Roads and Streets
- Storm Sewers

##### Buildings Component

- Health Clinic
- Daycare Center
- Community Center
- Multi-purpose Center

##### Economic Development

- Commercial (wholesale, retail)
- Industrial
- Motel/Hotel
- Restaurant
- Agricultural Development



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This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the CDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 9 Schedule: Use Calendar Year (CY) quarters. Fill in the CY below. If the project begins in May, for example, enter under "1st Qtr." A (April), M (May), J (June). Indicate time period required to complete each activity, e.g., acquisition, by entering "X" under the months it will begin and end. Draw a horizontal line from the first to the second "X". If the completion date will extend beyond the 8th quarter, enter date in the far right column and attach an explanation.