

entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (20 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local Community Development Agency or the local HUD field office. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3).

In evaluating this factor, HUD will consider the extent to which you demonstrate that 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 with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps 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 ongoing in the community.

(4) *Institutionalization of Project Activities*. The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; demonstrate support and involvement of the institution's executive leadership; are linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefit students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work. If you have previously received an HSIAC grant, you must describe the progress your institution has made since you received the HSIAC grant in institutionalizing your project activities.

(C) *Selections*. In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging, shall be selected. A minimum of two applications which include colonias projects will be funded if they receive a minimum score of 70 points.

(1) *Disclosures*. HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures

and updates—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 5.

(2) *Publication of Recipients of HUD Funding*. HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) *Section 103 HUD Reform Act*. HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

(4) *Debriefing*. Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C) or do not meet a national objective in accordance with 24 CFR 570.208.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded HSIACs. If HUD decides to use this option, it will do so only if two adjacent

HUD regions do not yield at least one fundable HSIAC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) SF-424, Application for Federal Assistance.

(B) HUD-424M, Federal Assistance Funding Matrix.

(C) *Transmittal Letter*, signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority.

(D) *Abstract/Executive Summary* (one page limit) describing the goals and activities of the project.

(E) *Narrative Statement Addressing the Factors for Award*. (50 page limit, including tables, and maps, but not including any letters of commitment and budget forms) (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the

information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2002, the statement of work and the budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses to be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD-30004 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over \$5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on "Planning and Administration" costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HSIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.)

(G) *Certifications*.

(1) SF-424B, Assurances for Non-Construction Programs.

(2) HUD-50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF-LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD-2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD-50070, Certification of Drug-Free Workplace;

(6) HUD-2992, Certification Regarding Debarment and Suspension;

(7) HUD-2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD-2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD-2993)*. If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comment and Suggestions (HUD-2994)*. If you wish to offer comments on the HSIAC NOFA of this

SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Corrections to Deficient Applications

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

VII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in

accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In

supplying HUD with environmental information, you should use the same guidance as provided in the HUD Notice CPD-99-01 entitled "Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants" issued January 27, 1999.

VIII. Authority

This program was approved by the Congress under the section 107 of the CDBG appropriation for Fiscal Year 2001, as part of the FY 2001 HUD Appropriations Act. HSIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

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

BILLING CODE 4210-32-P

**Hispanic-Serving Institutions Assisting Communities
Budget** Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0198 (exp. 9/30/2002)

Activity Name of Activity	Year 1		Year 2		Year 3		Total	
	Federal \$	Leveraged \$	Federal \$	Leveraged \$	Federal \$	Leveraged \$	Federal \$	Leveraged \$
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (this page)								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Hispanic-Serving Institutions Assisting Communities (HSIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the HSIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Hispanic-Serving Institutions Assisting Communities

Budget

Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal \$	Leveraged \$						
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Planning and Management								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (all pages)								

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**ALASKA NATIVE/NATIVE
HAWAIIAN ASSISTING
COMMUNITIES PROGRAM
(AN/NHIAC)**

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ALASKA NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

PROGRAM OVERVIEW

Purpose of the Program. To assist Alaska Native/Native Hawaiian institutions of higher education (AN/NHIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately \$4 million plus \$2.2 million in previously unexpended FY 2001 funds, to be divided evenly between Alaska Native institutions of higher education (ANIs) and Native Hawaiian institutions of higher education (NHIs).

Eligible Applicants: Only nonprofit Alaska Native and Native Hawaiian institutions of higher education that meet the definitions of Alaska Native and Native Hawaiian institutions of higher education established in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105-244; enacted October 7, 1998).

Application Deadline. June 20, 2002
Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funds under the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) 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. Your completed application is due on or before June 20, 2002, at HUD Headquarters.

Application Submission Procedures. New Security Procedures. In response to the terrorist attacks in September 2001 HUD has implemented new security procedures that impact on application submission procedures. 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 by the following delivery services: United Parcel Service (UPS), Fed EX, 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 12:00 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 US Postal Service. 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 not 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, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area you should submit your application via the US Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to AN/NHIAC and include your name, mailing address (including zip code) and telephone number (including area code).

For ANIs, HUD only will accept one application per campus. For NHIs, HUD will accept one application per institution. If your institution submits more than one application per campus (for ANIs) or more than one application per institution (for NHIs), HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the General Section of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps

to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1-800-HUD-8929 (toll free). If you have a hearing or speech impairment, please call the Center's TTY number at 1-800-HUD-2209. When requesting an application kit, you should refer to AN/NHIAC Program and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov.

For Further Information and Technical Assistance. You may call Armand Carriere of HUD's Office of University Partnerships at 202-708-3061, extension 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1-800-877-8339. You may also write to Mr. Carriere via email at Armand.W.Carriere@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 <http://www.hud.gov>.

II. Amount Allocated

Approximately \$ 4 million in FY 2002 funds and \$2.2 million in previously unexpended FY 2001 funds is being made available under this SuperNOFA for AN/NHIAC. Of this amount, \$ 3.1 million is being made available for Alaska Native institutions (ANIs) of higher education and \$ 3.1 million is being made available for Native Hawaiian institutions of higher education (NHIs). The performance period of 36 months will commence on the effective date of the grant agreement. The maximum amount which can be requested and awarded to a particular Alaska Native institution of higher education is \$600,000. The maximum amount which can be requested and awarded to a particular Native Hawaiian institution of higher education is \$3 million with each application composed of no more than five separate projects, each in a different neighborhood. Each separate project can be for no more than \$600,000.

Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you are an ANI and submit an

application requesting more than \$600,000 in HUD funds, it will be ruled ineligible. If you are an NHI and you submit an application for more than \$3 million, it will be ruled ineligible. If you are an NHI and you submit an application in which you request more than \$600,000 for any one project, that particular project will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of AN/NHIAC is to assist AN/NHIs to expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term "locality" includes any city, county, township, parish, village, or other general political subdivision of a State within which your AN/NHI is located.

(2) A "target area" is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of either an Alaska Native institution of higher education or a Native Hawaiian institution of higher education, as contained in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105-244) are you eligible to apply. If you are an Alaska Native institution of higher education, in order for you to meet this definition, at least 20 percent of your undergraduate headcount enrollment must be Alaska Native students. If you are a Native Hawaiian institution of higher education, in order to meet this definition at least 10 percent of your undergraduate headcount enrollment must be Native Hawaiian students. You are not required to be on a list of eligible AN/NHIs prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are an ANI and received a grant in FY 2001, you are not eligible to submit an application in FY 2002. If you are an NHI and received a grant in FY 2001, you are not permitted to submit an application for the same specific project in a different neighborhood, another project in the same neighborhood, or another project

with the same project director as the project funded in FY 2001.

If you are an ANI and your institution has multiple campuses, each one is eligible to apply separately, as long as it meets the above enrollment test. You may undertake as many projects and activities as you want, as long as you do not exceed the \$600,000 cap for an application. If you are an NHI, you are permitted to submit only one application, no matter how many separate campuses you have, as long as your institution meets the above enrollment test. You may undertake up to five separate projects, each in a different neighborhood, with each project requesting no more than \$600,000. In your application you must describe how each project is separate and distinct; how your proposed activities relate to that project; and that each project will not rely on any part of another project for its successful completion. A project can include one or more of the eligible activities listed below. For example, if you propose a homeownership project, you might rehabilitate housing in a neighborhood, demolish some structures to create spaces for lawns, and provide a loan pool for purchasers of this housing. All these activities could still be viewed as one project. You might also undertake a job training program for welfare-to-work families by rehabilitating a warehouse and offering the job training there. These activities could also be viewed as one project. But if you proposed to create a homeownership loan program and a job training program, these activities would be viewed as two separate projects. Your institution could undertake both, but they would have to be in two different neighborhoods.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR 570.208. Each activity that may be funded under this SuperNOFA for the Alaskan Native/Native Hawaiian program must meet one of the three national objectives of the CDBG program which are:

- (a) Benefit to low- and moderate-income persons;
- (b) Aid in the prevention or elimination of slums or blight; or
- (c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such

needs. (You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above at least 51% are for activities benefiting low- and moderate-income persons).

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

The CDBG publication entitled "CDBG Guide to National Objectives and Eligible Activities for Entitlement Communities" discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an AN/NHI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; another example, just undertaking your normal activities (e.g., offering English as a Second Language class) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Armand Carriere at 202 708-3061 extension 3181 if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of winners under the Hispanic-serving Institutions Assisting Communities program, a program very similar to this one.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one of the three national objectives, include, but are not limited to:

- (a) Acquisition of real property;
- (b) Clearance and demolition;
- (c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is (i) required under the provision of 24 CFR 570.606(b) or (c); or (ii) determined by your institution to be appropriate under the provisions of 24 CFR 570.606 (d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Eligible public service activities. Up to 15 percent of the grant can be used for public service activities. Examples include:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them; (viii) Day care centers;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(l) Administrative Costs. Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) Ineligible CDBG Activities are listed at CFR 570.207.

IV. Program Requirements

(A) Executive Order 12372, Intergovernmental Review of Federal Programs. You must comply with this Executive Order. Please refer to Section VII(C) of the General Section for details.

(B) *Leveraging*. Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include your own institution (for both direct and indirect costs); State and local governments; housing authorities; local or national nonprofit organizations; banks and private businesses; foundations; and faith-based and other community based organizations.

(C) *Affirmatively Furthering Fair Housing*. Please see Section II(D) of the General Section of this SuperNOFA.

(D) *Employment of local area residents (Section 3)*. Please see Section II(E) of the General Section of this SuperNOFA. The requirements are

applicable to certain activities that may be funded under this program section of the SuperNOFA.

(E) *Labor Standards*. If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(F) *OMB Circulars*. Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), OMB Circular A–21 (Cost Principles for Education Institutions), and OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at <http://whitehouse.gov//omb/circulars/index.html>.

(G) *Nondiscrimination*. In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, you must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(H) *Conducting Business In Accordance With Core Values and Ethical Standards*. HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II(B)(2) of the General Section of this SuperNOFA as a condition of award.

(I) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-owned Businesses*. HUD requires grantees to take all necessary affirmative steps in contracting with small businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to Section II.(F) of the General Section of this SuperNOFA for specific requirements.

V. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration*. Under this threshold review, your application can only be considered for rating and ranking if it is in compliance with both the requirements of the General Section of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible Alaska Native or Native Hawaiian institution of higher education and meet the other eligibility requirements in Section III(B) of this program NOFA;

(2) If you are an ANI, you request a Federal grant of \$600,000 or less over the three-year grant period; or

(3) If you are an NHI, you request a Federal grant of \$3 million or less over the three year grant period composed of no more than five separate projects, each in a different neighborhood, and each project for an award of no more than \$600,000.

(4) If you are an ANI, there is only one application from your institution or a campus of your institution. If you are an NHI, there is only one application from your institution, no matter how many campuses there are.

(5) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) Knowledge and Experience (5 Points for previously funded applicants and 15 points for previously unfunded applicants) Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last 5 years to be recent experience pertaining to the specific activities being relevant and experience producing specific accomplishments to be successful. The more recent the experience and the more recent the experience of 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. The following categories will be evaluated:

(a) Undertaking specific successful community development projects with community-based organizations; and

(b) Providing proven leadership in solving community problems and have a direct bearing on the proposed activity.

(2) Past Performance (10 Points for previously funded applicants)

The extent to which you performed successfully under your previous AN/NHAIC grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives;

(b) Your leveraging of funding beyond the funds originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous AN/NHAIC grants (including the timeliness and completeness of your compliance with AN/NHAIC reporting requirements and your ability to have resolved problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities'

Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for AN/NHIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (40 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan and your actions regarding HUD's priorities and Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (35 Points). This factor includes your Statement of Work and Budget

(a) *Specific Services and/or Activities* (12 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area.

(iv) Involve and empower the citizens of the target area, targeting specifically faith-based and other community-based grassroots organizations, in all stages of the proposed project (particularly through a committee that is representative of the target community, to guide the project); and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Work Plan Impact* (12 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two-year grant period; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management

plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (5 points). The extent to which your application proposes to involve your students and faculty, as part of their coursework in outreach and applied research activities. HUD's goal is to encourage you to fund activities similar to those eligible under the COPC program to be undertaken as a complement to those proposed in your AN/NHIAC application.

(d) *HUD Priorities* (6 points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 6 points. For a fuller explanation of each policy priority, please refer to Section VI. of the General Section of this SuperNOFA

(i) Encouraging Accessible Design Features

(ii) Improving Computer Access, Literacy, and Employment Opportunities

(iii) Providing Full and Equal Access to Faith Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(v) Increasing Homeownership Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities and the Elderly, and Minorities and Families where English may be a second language

(vi) Improving the Quality of Public Housing and Providing More Choices for its Residents.

(2) *Affirmatively Furthering Fair Housing* (5 points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside the institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (20 points)

This factor addresses the extent to which your project will result in activities that are coordinated with other agencies in the community and can be sustained as part of the mission of your institution.

(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 with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps 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) Sustainability/Institutionalization of Project Activities. The extent to which your project will result in activities that can be sustained as part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission, benefit students because they are part of a service learning program at your institution, and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments of faculty and staff continuing work in the target area or other areas facing similar challenges, and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(C) *Selections*. For ANI applications, each application will be reviewed and rated based on these selection criteria. For NHI applicants, each project in an application will be reviewed and rated separately. If you are an ANI, you must receive a score of at least 70 points on your application in order to be eligible for funding. If you are an NHI, you must receive a score of at least 70 points for a project in order for that project to be eligible for funding. HUD will fund applications (for ANIs) or projects (for NHIs) in rank order, until it has awarded all available funds. HUD will rank and select applications from Alaska Native institutions and Native Hawaiian institutions separately. If, within either of these two categories, two or more applications (for ANIs) or projects (for NHIs) have the same number of points, the application (for ANIs) or project (for NHIs) with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application (for ANIs) or project (for NHIs) with the most points for Factor 4, Leveraging, shall be selected. If all the funds in one category are not awarded, they cannot be transferred to the other category.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C), or do not meet a national objective in accordance with 24 CFR 570.208.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to

offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

(1) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—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 5.

(2) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537(a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

(4) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment

indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF-424*, Application for Federal Assistance.

(B) *HUD-424M*, Federal Assistance Funding Matrix.

(C) *Transmittal Letter*, signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority. If you are an NHI, this letter should cover your entire application, no matter how many projects are proposed.

(D) *Abstract/Executive Summary* (one page limit for ANIs and three pages for NHIs) describing the goals and activities of the project. If you are an NHI, the abstract should cover your entire application, no matter how many projects are proposed.

(E) *Narrative Statement Addressing the Factors for Award.* (If you are an ANI, there is a 50 page limit including tables and maps, but not including any letters of commitment or budget forms. If you are an NHI, there is a 50 page limit for each separate project, including tables and maps, but not including any letters of commitment or budget forms, with each project responding to all of the Narrative Statement Addressing the Factors for Award Requirements (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a

threshold.) For FY 2002, the Statement of Work and the Budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor (1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six-month intervals, up to 36 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses to be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD-30005 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over \$5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on "Planning and Administration" costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. Please do not repeat material in the Statement of Work.

In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD AN/NHIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.) If you are an NHI, you should separate your leveraging sources by project and include the appropriate letters in the Narrative Statement for that project.

(G) *Certifications.*

- (1) SF-424B, Assurances for Non-Construction Programs
- (2) HUD-50071, Certification of Payments to Influence Certain Federal Transactions
- (3) SF-LLL, Disclosure of Lobbying Activities (if applicable)

(4) HUD-2880, Applicant/Recipient Disclosure/Update Form

(5) HUD-50070, Certification of Drug-Free Workplace

(6) HUD-2992, Certification Regarding Debarment and Suspension

(7) HUD-2991, Certification of Consistency with the Consolidated Plan and

(8) HUD-2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable)

(H) *Acknowledgment of Receipt of Applications (HUD-2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comments and Suggestion Form (HUD-2994).* If you wish to offer comments on the AN/NHIAC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VII. Corrections to Deficient Applications

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

VIII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The

results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitled "Field Environmental Review Processing for HUD Colonias Initiative Grants" issued January 27, 1998.

IX. Authority

This program was approved by Congress under section 107 of the CDBG appropriation for fiscal year 2002, as part of the FY 2002 HUD Appropriations Act. AN/NHIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your AN/NHIAC application.

BILLING CODE 4210-32-P

OMB Approval No. 2528-0206 (exp. 5/31/2003)
U.S. Department of Housing and Urban Development
 Office of Policy Development and Research

**Alaska Native/Native Hawaiian
 Institutions Assisting Communities**

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal \$	Leveraged \$						
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (this page)								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the AN/NHIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

Alaska Native/Native Hawaiian
Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal \$	Leveraged \$						
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Planning and Management								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (all pages)								

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**TRIBAL COLLEGES AND
UNIVERSITIES PROGRAM (TCUP)**

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR TRIBAL COLLEGES AND UNIVERSITIES PROGRAM PROGRAM OVERVIEW

Purpose of the Program. To assist Tribal colleges and universities to build, expand, renovate, and equip their own facilities.

Available Funds. Approximately \$3 million from Fiscal Year 2002 appropriation.

Eligible Applicants: Only tribal colleges and universities that meet the definition of a Tribal College or University (TCU) established in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105-244; enacted October 7, 1998)

Application Deadline. June 20, 2002
Match. None.

ADDITIONAL INFORMATION

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

Application Due Date. Your completed application is due on or before 5:30 PM, Eastern time, on June 20, 2002 at HUD Headquarters.

Applications Submission Procedures New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. 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 12:00 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, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies of the application. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. When submitting your application, please refer to TCUP and include your name, mailing address (including zip code) and telephone number (including area code).

HUD will accept only one application per TCU campus for this program. If your institution has multiple campuses, each one may submit a separate application. If your institution submits more than one application, per campus, HUD will ask you to identify which application you want evaluated. Only one application will be evaluated. If you do not respond within the stipulated cure period (see Section VI below), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1-800-HUD-8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1-800-HUD-2209. When requesting an application kit, you should refer to TCUP and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov/grants.

For Further Information and Technical Assistance. You may contact Armand Carriere of HUD's Office of University Partnerships at 202-708-3061, extension 3181 or Sherone Ivey of the Office of Native American Programs at 202-401-7914, extension 4200. If you

have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1-800-877-8339. You may also write to Mr. Carriere via email at Armand_W_Carriere@hud.gov and Ms. Ivey at Sherone_E_Ivey@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 <http://www.hud.gov>.

II. Amount Allocated

Approximately \$3 million in FY 2002 funds is being made available under this NOFA for TCUP.

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested and awarded is \$400,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than \$400,000 in HUD funds, the application will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of TCUP is to assist TCUs to build, expand, renovate, and equip their own facilities, especially those facilities that are used by or available to the larger community.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of a TCU in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105-244) are you eligible to apply. If you are one of several campuses of the same institution, you may apply separately from the other campuses as long as your campus has a separate administrative structure and budget from the other campuses.

(C) *Eligible Activities.* Each activity you propose for funding must meet one of the following national objectives:

(a) Benefit low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency and other financial resources are not available to meet such needs.

You may not use any of your grant for public services, as defined in 24 CFR part 570, subpart C, § 570.201(e). You may use no more than 20 percent of your grant for planning and administrative activities, as defined in 24 CFR part 570, subpart C, § 570.206. Grant funds can only be used to build, expand, renovate, and equip facilities owned by your institution. Long-term leases of property (i.e., at least five years in duration) are considered an acceptable form of ownership under this program. Equipment can include, but is not limited to, computers, furniture, books, etc.

While community-wide use of your facility is permissible, the facility must be predominantly for the use of your institution (i.e., it must be used by your institution at least 51% of the time). The facility to be assisted must be for some activity or activities that your institution normally provides, as opposed to activities undertaken by other entities using your facility. Buildings in which your institution undertakes activities are eligible for assistance even if they do not serve those enrolled in your institution. A few examples are provided to show eligible uses of the grant. If your institution operates a small business assistance center, renovation of the facility in which the center is located would be an eligible grant activity, because the center is part of your institution even though it is not serving enrolled students. Conversely, if your institution rents space to another entity that operates a small business assistance center, renovation of the facility in which that center is located would not be an eligible grant activity, unless the space is used by your institution at least 51% of the time. As another example, you could build a new gymnasium solely for your students or propose to offer some physical education classes or other activities in the evening to the larger community. But if you proposed to build a new gymnasium, with the majority of the activities for non-students, or with the activities being primarily run by an outside entity, that would be an ineligible activity.

While you may choose to apply for a grant for any kind of college or university facility, facilities that will be used by or available to the larger community (as long as the use is still predominantly for your institution, as noted above) are eligible to receive extra points where the larger community has participated in the planning and

implementation of this project. For example, in order to get these points, you could request a grant to rehabilitate a student union building that would also serve as a community meeting facility, with the community helping to plan the renovations and also helping to operate additional activities. As another example, you could expand a facility currently serving as a small business assistance center where current and potential small business owners helped design the expansion. As a third example, you could equip a computer lab where the larger community helped you identify the equipment needs and will also help in implementing workshops, etc. If you are proposing work on a facility that is solely for your institution (e.g., a dormitory or administration building), you can only get these points if you involve the community in the planning and implementation of the project. See Rating Factor 3 for more details. You should call Armand Carriere or Sherone Ivey at the above numbers if you have any questions about the eligibility of any activities you may propose.

(D) *Other Requirements.*

(1) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published NOFA. Potential sources of leveraging assistance include your own institution (for both direct and indirect costs), tribes, the Indian housing authorities, financial institutions and private businesses, foundations, and faith-based and other institutions.

(2) *Federal Requirements.* If awarded a grant, you must comply with all Federal requirements, including the following:

(a) If your TCU is a part or instrumentality of a tribe, you must comply with the Indian Civil Rights Act (25 U.S.C. 1301 et seq.), but if your TCU is not a part or instrumentality of a tribe, you must comply with the Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 et seq. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1, and Section 109 of the Housing and Community Development Act of 1974,

as amended, with respect to nondiscrimination on the basis of age, sex, religion, or disability and implementing regulations at 24 CFR part 6;

(b) The Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations at 24 CFR part 146, prohibiting discrimination on the basis of age;

(c) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8, prohibiting discrimination against handicapped individuals;

(d) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135, requiring that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons and to businesses that provide economic opportunities for these persons;

(e) The disclosure requirements and prohibitions of 31 U.S.C. 1352 and implementing regulations at 24 CFR part 87;

(f) The requirements for funding competitions established by the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3531 et seq.);

(g) Nondiscrimination provisions of Section 109 and Labor standards of section 110 of the Housing and Community Development Act of 1974 (HCDA 1974)(42 U.S.C. 5301 et seq.), referenced at 24 CFR 570.602 and 570.603, respectively. However, in accordance with HCDA 1974 section 107(e)(2), the Secretary waives the provisions of HCDA 1974 section 109 and 110 with respect to this program for grants to a TCU that is a part of a tribe, i.e., a TCU that is legally a department or other part of the tribal government, but not a TCU that is established under tribal law as an entity separate from the tribal government. If your TCU is not a part of a tribe, the nondiscrimination provisions and labor standards of HCDA section 109 and 110 apply to activities under the grant to your TCU.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the

White House website at <http://www.whitehouse.gov/OMB/circulars>.

(E) *Conducting Business In Accordance with Core Values and Ethical Standards*. HUD requires that all grantees adhere to core values and ethical business practices, as described in section II.(B)(2) of the General Section of this SuperNOFA.

(F) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses*. HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration*. Under this threshold review, your application can only be rated if it is in compliance with the requirements of this NOFA and the following additional standards are met:

- (1) You must be an eligible TCU;
- (2) Your application requests a Federal grant of \$400,000 or less over the two-year grant period;
- (3) There is only one application from your institution or a campus of your institution;
- (4) At least one of the activities in your application is eligible.

In addition you must meet the following Civil Rights threshold requirements if your TCU is not a part or instrumentality of a tribe.

If you, the applicant, (1) have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; Act by the Secretary alleging ongoing discrimination; (2) are a defendant in a Fair Housing Act lawsuit by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (3) Have received a letter of noncompliance findings under Title VI, Section 504 or Section 109, HUD will not rate or rank your application under this NOFA if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline stated in this NOFA. HUD's decision regarding whether a charge, lawsuit, or letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of

ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings. If your TCU is a part or instrumentality of a tribe, there must be no outstanding violations of Title II of the Civil Rights Act, which requires due process for all activities undertaken by Native American tribes.

(B) *Factors Used to Evaluate and Rate Applications*. The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100. HUD has five standard factors and several subfactors that it uses for evaluating almost all of its programs. Additionally, the SuperNOFA provides for the award of up to two bonus points for applicants that propose to serve federally designated RC/EZ/ECs, as defined in paragraph III(C)(1) of the General Section of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. More points will be awarded for this factor where the experience belongs to members of the TCU staff than where it belongs to consultants, contractors, and other staff outside your institution. In addition, more points will be awarded where the experience belongs to people who will actually work on your proposed project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

- (a) Developing and equipping facilities for your institution; and
- (b) Working with your community on the planning and implementation of projects.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting this need. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the

importance of meeting the need. You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out.

Rating Factor 3: Soundness of Approach (45 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan.

(a) *Specific services and/or activities* (10 Points). Specifically, HUD will consider the extent to which your proposed activities will:

- (i) Meet an identified important need; and
- (ii) Relate to and not duplicate other activities in the target area.

(b) *Community Involvement* (10 points). HUD will consider the extent to which you have involved the community in all stages of the proposed project.

(c) *Work Plan Impact* (10 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

- (i) The project you propose can be completed within the two year grant period; and
- (ii) The objectives are measurable (e.g., the number of classrooms added, the number of additional clients that can be helped in an expanded small business assistance center), result in measurable improvement to the community (e.g., fifty more people receiving computer literacy training, twenty more small businesses started, etc.), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(d) *Involvement of the Faculty and Students* (10 points). The extent to which your application proposes to use students and faculty, as part of their coursework, for project activities. HUD's goal is to encourage students and faculty to be able to use this grant to enhance their education experience and assist their community at the same time.

(e) *HUD Priorities* (5 points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 5 points. For a fuller explanation of each policy priority,

please refer to Section VI. of the General Section of this SuperNOFA.

(i) Encouraging Accessible Design Features.

(ii) Improving Computer Access, Literacy, and Employment Opportunities

(iii) Providing Full and Equal Access of Faith-Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that programs are accountable for the promises made and the actions taken.

(v) Improving the Quality of Public Housing and Providing More Choices for its Residents.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, e.g., the Tribe, the Federal government (Bureau of Indian Affairs, Department of Health and Human Services, Department of Education), etc., public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Commitment letters must state a dollar amount in order to earn points for this factor. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

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

This factor addresses the extent to which you have coordinated your activities with other known organizations and are working towards

addressing a need 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 that 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 with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) 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/ONAP-funded projects/activities; and

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

(3) Sustainability/Institutionalization of Project Activities. The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission, benefit students because they are part of a service learning program at your institution, and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested

information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

HUD will not fund specific proposed activities that do not meet one of the national objectives referenced in Section IIIC above. In addition, HUD reserves the right to fund less than the full amount requested in your application if any of your proposed activities is not eligible for funding under the statute creating this program.

(D) Applicant Debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carriere or Sherone Ivey. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form. Binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances found in the Appendix B to the General Section of this SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the "non-standard forms," can be found in Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF-424, Application for Federal Assistance*

(B) *HUD-424M, Federal Assistance Funding Matrix*

(C) *Transmittal Letter*

(Signed by the Chief Executive Officer of your institution or his or her designee. If someone else in your institution signs this letter, your application must include an official

designation of signing authority to that person.)

(D) Abstract/Executive Summary

(One page limit) describing the goals and activities of the project.)

(E) Narrative Statement Addressing the Factors for Award

(50 page limit, including tables, and maps, but not including any letters of commitment and budget forms.)

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For each proposed activity, your Statement of Work must:

(a) Present a step-by-step breakdown of the major activities for which you seek funding (e.g., rehabilitation of a business development center, construction of new classrooms), identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets one of the national objectives referenced in Section IIC above.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of classrooms added, the number of additional clients that can be helped in an expanded small business assistance center, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(d) Provide a description of how any proposed new construction or renovation of existing facilities will comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8.21).

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD-30006 included in the application kit and Appendix B of this NOFA. This form separates the Federal and non-Federal costs of each program activity.

Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over \$5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution (e.g., an architect, engineer, construction firm, etc.).

(3) Your narrative statement addressing the factors for award should address each of the four factors for award. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.)

In addressing Factor 4, for each leveraging source, cash or in-kind, you must submit a letter, dated no earlier than the date of this NOFA, from the provider on the provider's letterhead that addresses the following:

(i) The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;

(ii) How the leveraging amount is to be used;

(iii) The date the leveraging amount will be made available;

(iv) Any terms and conditions affecting the commitment, other than receipt of a HUD TCUP Grant; and

(v) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and Appendix B for a sample commitment letter.)

(G) Certifications.

(1) SF-424B, Assurances for Non-Construction Programs or SF-424D, Assurances-Construction Programs, depending on the activities you propose to undertake.

(2) HUD-50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF-LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD-2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD-50070, Certification of Drug-Free Workplace;

(6) HUD-2992, Certification Regarding Debarment and Suspension.

(H) *Acknowledgment of Receipt of Applications (HUD-2993)*. If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comment and Suggestions (HUD-2994)*. If you wish to offer comments on the TCUP NOFA, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Environmental Requirements

Environmental Review. Certain eligible activities under this NOFA are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to review under related laws, in accordance with 24 CFR 50.19 (b)(1), (b)(3), (b)(12), or (b)(14). Selection for award does not constitute approval of any proposed sites. If the TCUP application proposes the use of grant funds to assist any non-exempt activities, following selection for award, HUD will perform an environmental review of activities proposed for assistance under the program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in HUD Notice CPD-99-01 entitled "Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants" issued January 27, 1999.

VII. Authority

This program was approved by the Congress under the CDBG appropriation for Fiscal Year 2001, as part of the FY

2002 HUD Appropriations Act (Public Law 107-73). TCUP is being implemented through this NOFA and the policies governing its operation are contained herein.

Appendix A

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

BILLING CODE 4210-32-P

Budget - Tribal Colleges and Universities Program

U.S. Department of Housing
and Urban Development
Office of Policy Research and
Development

OMB Approval No. 2528-0215
(exp. 10/31/2004)

Applicant should duplicate this page as necessary

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Tribal Colleges and Universities Program (TCUP). Total reporting burden for collection of this information is estimated to average 80 hours. This include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for TCUP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Activity #1 Name:			
Cost Item	Grant Request	Leveraged Funds*	Total Cost
1. Administrative and legal expenses			
2. Land, structures, rights-of-way, appraisals, etc.			
3. Relocation expenses and payments			
4. Architectural and engineering fees			
5. Other architectural and engineering fees			
6. Project inspection fees			
7. Site work			
8. Demolition and removal			
9. Construction			
10. Equipment			
11. Miscellaneous			
12. Total Activity # 1 Cost			
Activity #2 Name:			
1. Administrative and legal expenses			
2. Land, structures, rights-of-way, appraisals, etc.			
3. Relocation expenses and payments			
4. Architectural and engineering fees			
5. Other architectural and engineering fees			
6. Project inspection fees			
7. Site work			
8. Demolition and removal			
9. Construction			
10. Equipment			
11. Miscellaneous			
12. Total Activity # 2 Cost			

*Letters of leveraging costs must accompany the application in order for leveraged funds to be accepted.

Activity #3 Name:			
Cost Item	Grant Request	Leveraged Funds*	Total Cost
1. Administrative and legal expenses			
2. Land, structures, rights-of-way, appraisals, etc.			
3. Relocation expenses and payments			
4. Architectural and engineering fees			
5. Other architectural and engineering fees			
6. Project inspection fees			
7. Site work			
8. Demolition and removal			
9. Construction			
10. Equipment			
11. Miscellaneous			
12. Total Activity # 2 Cost			

Activity #4 Name: Planning and Administration			
1. Direct Labor			
2. Fringe Benefit			
3. Materials			
4. Travel			
5. Equipment			
6. Consultants			
7. Subcontracts			
8. Other Direct Costs			
9. Indirect Costs			
10. Total Activity Cost #3			
Grand Totals (all pages)			

*Letters of leveraging costs must accompany the application in order for leveraged funds to be accepted.

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**FAIR HOUSING INITIATIVES
PROGRAM (FHIP)**

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE FAIR HOUSING INITIATIVES PROGRAM (FHIP)

PROGRAM OVERVIEW

Purpose of the Program. To increase compliance with the Fair Housing Act (the Act) and with substantially equivalent State and local fair housing laws.

Available Funds. For FY 2002, approximately \$20,250,000 is allocated to three (3) Initiatives as follows:

A. Private Enforcement Initiative (PEI) \$11,825,000 million.

B. Education and Outreach Initiative (EOI) \$6,325,000 million.

C. Fair Housing Organizations Initiative (FHOI) \$2,100,000 million.

Eligible Applicants. Eligibility requirements are described in detail under each of the funded Initiatives and Components, set forth below, and eligible applicants may include: Qualified Fair Housing Organizations (QFHOs); Fair Housing Enforcement Organizations (FHOs); public or private for-profit or not-for-profit organizations or institutions, or other public or private entities that are working to prevent or eliminate discriminatory housing practices; faith-based community-based organizations, State and local governments or their agencies; and Fair Housing Assistance Program (FHAP) agencies (as defined in Section IV of this NOFA).

Application Deadline. May 22, 2002.

Match: No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. However, sponsored organizations under FHOI must meet the requirements described in Section IV (D) below.

ADDITIONAL INFORMATION

If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of this SuperNOFA (hereafter, the General Section), the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended) and the FHIP Regulations (24 CFR 125.103–501).

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

A. *Application Due Date.* You must submit completed applications for all Initiatives and Components by 6 p.m., Eastern Time, on or before May 22, 2002 at HUD Headquarters building, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the method of application submission (e.g., mailed applications,

express mail, or overnight delivery). In addition, review all information on delivery services permitted into HUD Headquarters building without escort.

B. *Address for Submitting Applications.* Your application consists of an original signed application form (SF 424) and all items listed in the Checklist (See Section IV and Appendix C for all submission requirements). Submit your completed application (one original and five copies) to: FHIP SuperNOFA 2002 [Specify the Initiative/Component to which you apply], FHIP/FHAP Support Division, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5224, Washington, DC 20410.

When you submit your application, please provide the following information at the front top left corner of the mailing envelope: your organization's name, name of contact person, mailing address (including zip code), telephone number (including area code), and fax number. Applicants for more than one Initiative or Component must submit six copies for each Initiative or Component for which you apply. See General Section of the NOFA for further information on Consolidated Application Submissions.

C. *For Further Information and Technical Assistance.* You may contact Myron P. Newry or Denise L. Brooks of the FHIP Division, at 202–708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division by calling 1–800–290–1617 (this is a toll-free number). Contained in Appendix A of this NOFA is a Question and Answer section, please review this for answers to some of your questions.

Satellite Broadcast. HUD will hold an information broadcast via satellite for prospective applicants to learn more about the program and preparing applications. For more information about the date and time of this broadcast, you should consult the HUD web site at <http://www.hud.gov/grants>.

II. Amounts Allocated

In Fiscal Year 2002, \$20,250,000 was appropriated for the Fair Housing Initiatives Program. This amount is being made available on a competitive basis to eligible organizations responding to this NOFA. The amount available for each Initiative or Component and the maximum amount of funds that can be awarded for each grant are specified as follows:

(A) *Private Enforcement Initiative (PEI).* Approximately \$11,825,000 million is allocated; maximum award is

\$275,000 per grant; project duration is 12 to 18 months.

(B) *Education and Outreach Initiative (EOI).* Approximately \$6,325,000 million is allocated to the Regional/Local/Community-Based Program and a National Program. The maximum award is \$100,000 for the Regional/Local/Community-Based Program and the project duration is 12 months. The maximum award for the National Program is \$1,000,000 and the project duration is 12 months for the Media Campaign Component and 24 months for the Fair Housing Awareness Component. EOI has four Components: Regional/Local/Community-Based Programs:

(1) EOI—General Component. Approximately \$3,500,000 million is allocated.

(2) EOI—Disability Component. Approximately \$825,000 is allocated. National Program:

(3) Media Campaign Component.

Approximately \$1,000,000 is allocated.

(4) Fair Housing Awareness Component. Approximately \$1,000,000 is allocated.

(C) *Fair Housing Organizations Initiative (FHOI).* Approximately \$2,100,000 is allocated; project duration is three years. Maximum award is \$1,050,000 allocated over a three year period at up to \$350,000 per year.

III. Program Description; Eligible Applicants; Eligible Activities

A. *Program Description.* The Fair Housing Initiatives Program (FHIP), 24 CFR part 125, assists fair housing activities that increase compliance with the Fair Housing Act (the Act) and with the substantially equivalent fair housing laws administered by state and local government agencies [Fair Housing Assistance Program Agencies (FHAP)]. Applications submitted for funding under EOI are required to describe a complaint referral process that should result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices. Applications selected for funding under PEI and FHOI must comply with the *Mandatory Referral* requirement described in Section IV(B) of this NOFA.

B. *Changes to this year's NOFA.* To improve the FHIP NOFA, a number of changes have been made this year. There are 2 new EOI National Program Components: the Media Campaign and the Fair Housing Awareness Components. The project duration for EOI Regional/Local/Community-Based Program and the National Program Media Campaign awards is 12 months and for the National Program's Fair

Housing Awareness Component 24 months. For FHOI, the project duration is 3 years. Changes also have been made in how the applications are rated.

For EOI: See Section V (D) "Factors for Award Used to Evaluate and Rate Regional/Local Community-Based Applications" of this NOFA on changes to EOI—General.

For FHOI: HUD has determined that rural areas and areas with immigrant populations (especially racial and ethnic minorities who are not English speaking or have limited English proficiency) are underserved. These underserved areas include: the Colonias, rural areas, or areas that contain large concentrations of persons protected under the Act where either no public or private fair housing enforcement organization exists or the jurisdiction is not sufficiently served by one or more public or private fair housing enforcement organizations.

For PEI: We have increased the award cap from \$250,000 to \$275,000. In addition, we have eliminated the requirement that applicants with current PEI grants be excluded from participating in this year's NOFA.

Finally, for PEI and FHOI, a total of 5 points will be deducted if the applicant is an organization that has received FHIP funding in the past to conduct enforcement-related activities has not complied with the program requirements regarding mandatory referrals and reimbursement of the Federal government for compensation resulting from FHIP-funded enforcement activity. If you have received PEI funds previously, your application should clearly state how you have complied with this requirement.

Other Changes. This year HUD will take into account an applicant's past performance in evaluating applications for funding. HUD will assess performance ratings for applicants who have received FHIP funding in 1998, 1999, or 2000. If the applicant has received a "poor" performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2002 competition. An applicant that does not agree with its determination of ineligibility for the FY 2002 competition because of "poor" performance must address to HUD's satisfaction the factors resulting in the "poor" performance rating before the FHIP application deadline. If the "poor" performance rating is not resolved to the Department's satisfaction before the application deadline, the application remains ineligible. HUD is interested in increasing the performance level of all

grantees; therefore, applicants who are deemed ineligible because of a "poor" performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition. All other applicants who have not received FHIP funding, or have received FHIP funding prior to 1998 will be evaluated on past performance as outlined in Rating Factor 1.

Finally, applicants must submit with their application a written code of conduct and a description of the methods you will use to ensure that all officers, employees and agents of your organization become aware of your code of conduct (See General Section). [Additional clarification is provided in Appendix A, Most Frequently Asked Questions.]

Bonus Points: See General Section III (C) "Factors For Award Used to Evaluate and Rate Applications" for information on how Bonus Points will be awarded under this SuperNOFA.

C. Ineligible Activities. You are reminded to read carefully the eligibility requirements for each Initiative and Component. Enforcement-related activities are not eligible for funding under EOI and there is a limit on the amount of education-related activities that can be funded in an enforcement grant (PEI or FHOI). No awardee may use FHIP funds to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 125.104(f)).

D. Priorities. Immigrant populations (especially racial and ethnic minorities who are not English speaking or have limited proficiency in English) often face formidable barriers because of discriminatory housing practices. It is especially important that fair housing services be directed to these underserved and immigrant populations and to the specific types of discrimination they may encounter. All applicants are encouraged to address the fair housing needs of these populations.

For FHOI, HUD will fund applications that purpose to provide services in underserved areas (See Section III (B)(1)(b) of this NOFA).

HUD expects applicants to address all forms of housing discrimination covered under the Fair Housing Act. In addition, since the September 11, 2001 attacks in the United States, incidents of bias based on religion and national origin have been on the rise. Applicants should specifically address discrimination under the Fair Housing Act based on national origin and religion and describe education and outreach efforts to these vulnerable

communities to provide information about their fair housing rights.

Finally, HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation. Applicants submitting applications to the Education and Outreach National Program's two Components (Media Campaign Component and Fair Housing Awareness Component) must address this need. For the Media Campaign Component, applicants are required to provide a centralized and coordinated effort for the development and implementation of a fair housing media campaign designed to educate the public about their fair housing rights. The Fair Housing Awareness Component will provide education and outreach to promote public awareness on predatory lending.

(A) *Private Enforcement Initiative (PEI).* This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Act and substantially equivalent State and local fair housing laws. As a condition of funding, you will be required to refer to HUD all cases arising from FHIP-funded enforcement activities (see Mandatory Referrals, Section IV below).

(1) *Eligible Applicants.* Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (24 CFR 125.401(b)(2)) and qualified fair housing enforcement organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, within the three years prior to filing this application, (24 CFR 125.103). You must certify, in the Statement of Eligibility that you submit with this application, that your organization is an FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. Remember, if you fail to submit the completed Statement of Eligibility (Appendix C), this will be a technical deficiency and you will have 14 days to provide the requested materials (Section V of the General Section of the SuperNOFA). All applicants claiming QFHO and FHO status are required also to submit with their application a copy of its Letter of Determination from the Internal Revenue Service (IRS) in support of its 501(c)(3) tax-exempt status. However, failure to provide this document with your application is a

technical deficiency and you will have 14 days to provide the requested information (Section V of the General Section of the SuperNOFA).

(2) *Eligibility of Successor*

Organization. HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes in the Statement of Eligibility that it is a private, tax-exempt organization with the requisite two years for a QFHO or one year experience for an FHO.

(3) *Eligible Activities* include:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediated agreements or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(d) Costs and expenses of litigating fair housing cases, including expert witness fees.

(B) *Education and Outreach Initiative (EOI).* This Initiative assists projects that inform the public about the rights and obligations under the Act and substantially equivalent State and local fair housing laws. Under this Initiative, you must develop a complaint referral process so that activities funded under this Initiative will result in referrals to HUD of fair housing complaints and other information regarding possible discriminatory housing practices. Applications are solicited for the EOI-Regional/Local/Community-Based Program—in which activities are conducted on a regional/local/community-based level and in a National Program. You may submit your application for the Regional/Local/Community-Based General Component or Disability Component or the National Program's Media Campaign Component or Fair Housing Awareness Component depending upon its focus.

(1) *Eligible Applicants.* Eligible applicants are QFHOs; FHOs (under this Initiative an FHO is not bound by the requirement to have engaged in enforcement-related activity for at least one year, (24 CFR 125.103); public or private, for-profit or not-for-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (this category includes entities that will be established as a result of receiving an award under this FHIP NOFA); faith-based or community-based organizations; State or local governments or their agencies; and agencies that participate in the FHAP (see the list of FHAP agencies at Appendix D). If you are a disability advocacy group, faith-based or community-based organization or traditional civil rights organization, you are encouraged to apply under this Initiative.

(2) *Eligible Activities.* The following are eligible activities for EOI: conducting educational symposia; distributing existing fair housing materials throughout your project area; providing outreach and information on fair housing through printed and electronic media; and providing outreach to persons with disabilities and/or their support organizations and service housing providers, and the general public regarding the rights of persons with disabilities under the Act. When conducting your outreach activities, we encourage the use of existing, locally or nationally available fair housing materials; except that you may modify those existing materials in languages other than English.

The Components for the Regional/Local/Community-Based Program are described below:

Disability Component. Applications that emphasize the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and more fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications to the EOI—Disability Component. Although the Component has a disability focus, the funded activities must provide education and outreach to all persons protected under the Act.

General Component. Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component. One point will be awarded for applications from faith-based or community-based organizations or organizations that

propose to either partner or sub-contract with faith-based or community-based organizations in conducting their work programs. Applicants who are submitting applications in conjunction with a faith-based or community-based organization must include in their application a letter of firm commitment from that faith-based or community-based organization. This letter of firm commitment must: (1) identify the faith-based or community-based organization; (2) identify the activities/tasks to be undertaken by the faith-based or community-based organization under this project; and (3) be signed by the individual or organization with legal authority able to make commitments for the organization.

Finally, up to three points will be awarded for applications specifically addressing housing discrimination based on national origin and religion since the September 11, 2001 attacks, as described in Section III(D), Priorities, of this NOFA.

The Components for the *National Program* are described below:

Media Campaign Component.

Activities for funding must provide a centralized, coordinated effort for the development and implementation of a fair housing media campaign designated for FY 2003 Fair Housing Month activities. Additional information on the EOI-National Program is contained within this NOFA under the Factors for Award—National Program Media Campaign Component.

Fair Housing Awareness Component.

Grantees must conduct a national campaign to educate the public on the dangers of abusive lending practices that target specific neighborhoods or vulnerable segments of the population. Additional information on the EOI National Program is contained within this NOFA under the Factors for Award—National Program Fair Housing Awareness Component.

(C) *Fair Housing Organizations Initiative (FHOI).*

This Initiative provides assistance to projects that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing enforcement activities in underserved areas (as defined in Section IV) with large concentrations of persons protected by the Act. This is accomplished with the assistance of a sponsoring organization. It is the sponsoring organization that submits the application under this Initiative. The sponsored organization whose enforcement capacity is established or enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three

years contingent upon annual performance reviews. Funds are allocated under this NOFA for 3 years and may be distributed to the sponsored organization by the sponsoring organization. The sponsoring organization may expend FHIP funds for administrative costs as described below. HUD has targeted for funding under this Initiative projects that will provide fair housing enforcement services to the Colonias, rural areas, or to areas with large concentrations of individuals who fall within one or more categories protected under the Act and who are immigrants (especially racial and ethnic minorities who are not English speaking or have limited English proficiency).

(1) *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The sponsoring organization must be a qualified fair housing enforcement organization (QFHO) with at least 2 years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the 3 years prior to the filing of this application, as defined at 24 CFR 125.103. You must certify in the Statement of Eligibility that you submit with this application that your organization is a QFHO. Remember, if you fail to submit the completed Statement of Eligibility (Appendix C), this will be a technical deficiency and you will have 14 days to provide the requested materials (see Section V of the General Section of the SuperNOFA on technical corrections that do not affect scoring). You are also required to submit a copy of your IRS tax-exempt status with your application. However, failure to provide this document with your application is a technical deficiency, and you will have 14 days to provide the requested information (see Section V of the General Section of the SuperNOFA).

Eligibility of Successor Organization. HUD recognizes that a QFHO may merge with one or more organizations. The merger of a QFHO into a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO status upon the successor organization. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will consider the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it can establish that it is a private, tax-exempt organization with the requisite 2 years of experience as a QFHO.

(2) *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year 3 of the grant cycle:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(d) Costs and expenses of litigating fair housing cases, including expert witness fees.

(3) *Administrative Costs for the Sponsoring Organization.* The sponsoring organization may use no more than 15 percent of the annually awarded funds to cover its costs to administer the grant

IV. Program Requirements

(A) Requirements for All Initiatives.

In addition to the Threshold Requirements in Section II(B) of the General Section of this SuperNOFA, your FHIP-funded program application must also meet the following requirements:

(1) *Protected Basis.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

(2) *Broad-Based and Full-Serviced.* Your organization must conduct a broad-based and full-service enforcement project that addresses discrimination against all persons protected by the Fair Housing Act on the basis of race, color, religion, sex, disability, familial status, or national origin.

(3) *Performance Measures and Products.* Your application must demonstrate how your project activities will support HUD goals, identify performance measures/outcomes in support of those goals, describe your proposed record-keeping and evaluation systems, and identify current (baseline) conditions and target levels of the performance measures that you plan to achieve. Your application also must contain a strategy for generating project products, with related timelines and milestones. In addition, you must include in your application and work

plan program measures to ensure that promises made in your application for persons to be assisted, timelines and budgets to be followed, and results to be achieved can be accounted for and independently assessed to ensure performance goals have been met.

Applicants who have included means of assessing progress, tracking performance goals and achievements against promises made in the application will receive higher rating points. If selected for funding, your final performance measures will be negotiated between you and HUD as part of your executed grant agreement.

(4) *Reports and Meetings on Performance Measures and Products.* You are required to report quarterly on the status of project products against your approved milestones and timelines and meet at least semi-annually with HUD to ensure that project activities satisfy grant requirements. In your final grant report, you must describe the status of performance measures in a spreadsheet format or other manner specified by the Department.

(5) *Single Award Limitation/Preference Must Be Stated.* You may submit applications under all Initiatives and Components for which your organization is eligible but you will receive only one grant with the exception that successful FHOI applicants may receive a grant award under one of the other Initiatives. If you submit more than one application for funding, you must clearly state your preference in two places in each application you submit: (i) the Transmittal Letter and (ii) the Cover Page. The Selecting Official may disregard your preference if it is in the best interest of the Program to do so. Failure to submit your preference at the time of application will be treated as a technical deficiency, which may be corrected as noted in Section V of the General Section of this SuperNOFA.

(6) *Independence of Awards.* HUD will review each application separately and without reference to other applications submitted by you or others. You may submit one application to each of the Initiative/Components outlined in this NOFA. However, each application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

(7) *Project Starting Period.* For planning purposes, assume a start date no later than thirty days after completion of negotiations. Negotiations are estimated to start on or before September 30, 2002.

(8) *Page Limitation and Formatting Requirements.* All pages in your application must be numbered consecutively from beginning to end. The maximum number is 10 pages per factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3: Soundness of Approach). The narrative pages must be double-spaced and you are required to use 12 point typesize. You must respond fully to each factor to obtain maximum points. Failure to: provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given Rating Factor for Award or subfactor. Failure to provide double spaced, 12 point typesize narrative responses will result in five points being deducted from your overall score (one point per factor).

(9) *Training funds.* Your proposed budget must set-aside funds to participate in HUD-sponsored or approved training (\$3,000 for EOI and PEI annually; and \$6,000 annually for FHOI). Requests to attend HUD-approved training must be submitted to the GTR for approval in advance of the requested training. Do not include amounts over the \$3,000 or \$6,000 (as appropriate) for the training set-aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD may modify your budget, reallocating the appropriate amount for training.

(10) *Payment Contingent on Completion.* Payment of FHIP fund is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.

(11) *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

(12) *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 24 CFR 84.36.

(13) *Complaints Against Grantees/Cooperative Agreements.* Each FHIP grantee/cooperative agreement is overseen by a HUD Grant Officer. Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's

name and contact information is provided in the grant/cooperative agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, grant, or cooperative agreement terms or conditions or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

(14) *Avoiding Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project to any other Federal project.

(15) *Ineligible Activities.*

(a) *Fair Housing and Free Speech.* None of the amounts made available under this NOFA may be used to investigate or prosecute under the Act any activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action that is protected by the First Amendment to the U.S. Constitution. This includes activities engaged in for the purpose of achieving or preventing action by a government official or entity.

(b) *Insurance Testing.* HUD will fund organizations who conduct insurance-related enforcement work under the FHIP, but no project will focus exclusively on this issue.

(16) *Key Personnel.* If your organization is selected for award, you must certify to HUD (HUD Form 40076) whether any staff member identified in the proposal or proposed to be hired (including signator on the SF-424) has been convicted of a felony or crime involving fraud or perjury. In advising HUD, you must specify the crime(s) for which the person was convicted, the date entered, and the penalty received and submit a copy of the report from the police or court documenting the conviction. Depending upon the facts, HUD may place special conditions upon the grantee or the particular person's participation in grant funded activities.

(17) *Definitions.* The definitions that apply to this FHIP section of the NOFA are as follows:

Broad-based proposals those that include activities that are not limited to a single fair housing issue; instead, they cover multiple issues related to housing discrimination covered under the Act,

such as: rental, sales and financing of housing. (See also Full Service Projects below)

Colonias (See General Section).

Complainant means the person (including the Assistant Secretary) who files a complaint under Section 810 of the Act.

Disability advocacy groups mean organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers, and cross-disability legal services groups. Such organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Such organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

Enforcement proposals are potential complaints under the Act that are timely, jurisdictional, and well-developed, that could reasonably be expected to become enforcement actions if an impartial investigation finds evidence supporting the allegations and the cases proceeded to a resolution with HUD involvement.

Fair Housing Act means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

Fair Housing Assistance Program (FHAP) Agencies mean State and local government agencies that administer laws substantially equivalent to the Act, as described in 24 CFR part 115 and receive FHAP funds.

Fair Housing Enforcement Organization (FHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

Faith-based and Other Community-based Organizations (See General Section).

Full-service projects must include the following enforcement-related activities in your project application: interviewing potential victims of discrimination; analyzing housing-related issues; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

Meritorious claims mean enforcement activities by an organization as defined in 24 CFR 125.103.

Operating budget means your organization's total planned budget expenditures from all sources, including

the value of in-kind and monetary contributions, in the period for which funding is requested.

Qualified Fair Housing Enforcement Organization (QFHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

Regional/Local/Community-Based Activities are defined at 24 CFR 125.301(a) & (d).

Rural Areas, according to the Rural Housing and Economic Development Program of Community Planning and Development (CPD), may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with no urban population (i.e., city) or 20,000 inhabitants or more; territory, persons and housing units in the rural portions of 'extended cities.'

(iii) The rural portions of extended cities in the United States as identified by the U.S. Census Bureau.

(iv) Open country which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes open country as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers or canals) public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.

(v) Any place with a population not in excess of 20,000 and that is not located in a Metropolitan Statistical Area.

Traditional Civil Rights Organizations mean non-profit organizations or institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Act or substantially equivalent State or local laws and that are engaged in programs to prevent or eliminate discriminatory housing practices.

Underserved Areas mean jurisdictions that contain large concentrations of persons protected under the Act and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations. (See definitions of Colonias, Faith-based and Community-based organizations above).

Underserved Populations mean groups of individuals who fall within one or more of the categories protected

under the Act and who are also: (1) Of an immigrant population (especially racial and ethnic minorities who are not English-speaking or with limited English proficiency), (2) in rural populations, (3) persons living in the Colonias, (4) the homeless, and (5) persons with disabilities who can be historically documented to have been subject to discriminatory practices not having been the focus of Federal, State or local fair housing enforcement efforts.

(18) *Grant/Cooperative Agreements*. The type of funding instrument HUD may offer a successful applicant will be a grant/cooperative agreement which sets forth the relationship between HUD and the grantee where the principal purpose is the transfer of funds, property, services, or anything of value to accomplish a public purpose. The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will monitor your progress using provisions of your grant/cooperative agreement to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives would be the basis for HUD determining your agreement in default and exercising available sanctions, including suspension, termination, and/or the recapture of your grant/cooperative agreement funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

(19) *Reallocation of Funds*. If after all applications within funding range have been selected or obligations are completed in an Initiative and funds remain available, the selecting official or designee will have the discretion to reallocate leftover funds in rank order between Initiatives as follows:

(a) for EOI, any remaining funds from any component will be reallocated first within the Initiative; if after reallocating funds within the Initiative left over funds remain, they shall be reallocated to PEI then to FHOI;

(b) for PEI, any remaining funds will be reallocated to EOI then to FHOI;

(c) for FHOI, left over funds will be reallocated to PEI then to EOI.

Reallocated funds will be awarded within Initiative as described in Section V of this NOFA.

(20) *Affirmatively Furthering Fair Housing*. A separate AFFH submission is not required for FHIP because the purpose of the program is to further fair housing.

(21) *Conducting Business in Accordance with Core Values and Ethical Standards*. (See General Section.

Refer also to the discussion on Code of Conduct above).

(22) *Product Information*. Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) 2 weeks before release for approval and acceptance.

(23) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women Owned Businesses*. See General Section.

(B) *Additional Requirements For PEI and FHOI*

(1) *Mandatory Referrals*. You must refer to HUD all cases arising from FHIP-funded enforcement activities. In all FHIP-funded cases where you find a basis for filing a complaint on behalf of a complainant other than your organization, you must file the complaint with HUD unless the complainant declines to do so in writing. In addition to filing complaints with HUD, a complainant may file a civil action in Federal or State Court.

(2) *Outreach Expenses*. The funds awarded for enforcement grants may be used for outreach and education activities (hereafter, outreach activities) in order to promote awareness of your project's services, as follows: under FHOI, you may provide for up to 10 percent of the requested funds for the sponsored organization to be used for outreach activities; under PEI, you may designate up to 5 percent of the requested funds for outreach activities.

(3) *Tester Requirements*. Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(a) Have an economic interest in the outcome of the test; except to the extent that they could recover damages as provided by law;

(b) Be a relative related by adoption, blood, or marriage of any party in a case;

(c) Have had any employment or other affiliation, within the past year, with the person or organization to be tested; or

(d) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(4) *Review and Approval of Testing Methodology*. If your SOW proposes testing, other than rental housing testing, HUD may require copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities:

(a) The testing methodology to be used,

(b) The training materials to be provided to testers, and

(c) Other forms, protocols, cover letters, etc., used in the conduct of testing and reporting of results.

The testing methodology and training materials that you submit to HUD for review and approval are for enforcement purposes and will remain confidential.

(5) *Conflict of Interest and Use of Settlement Funds.*

(a) You may not solicit funds from or seek to provide fair housing educational or other services or products for compensation either directly or indirectly to any person or organization that has been the subject of FHIP-funded testing by your organization during the 12-month period following the test. This does not preclude providing training or technical assistance that is court ordered or contained in a negotiated settlement. HUD reserves the right to impose additional provisions addressing potential conflicts of interest.

(b) You must reimburse the United States for FHIP-funded activities whenever you receive funds as the result of enforcement activities funded in whole or in part by the FHIP program, including testing. You must provide information about reimbursements and/or potential reimbursements in a report that you submit to HUD (see Reports below). Terms for reimbursing the United States will be specified in your grant or cooperative agreement. This reimbursement requirement does not apply to compensation received as a result of a judgment in Federal or State Court. Calculate your reimbursement on a per complaint basis. Identify the complaint, then subtract the amount of non-FHIP funds from the amount of FHIP funds used to resolve the complaint. The difference is the amount owed. For example:

FHIP grant of \$15,000 (\$10,000 which is for testing: 20 tests @ \$500 each). One test results in a \$15,000 conciliation/settlement. Additional expenses paid from non-FHIP funds: \$100.

Total FHIP funds for the settlement activity that resulted in collected funds: \$400.00 Calculation
\$500 (Amt. of FHIP funds in activity resulting in conciliation/settlement) – \$100 (Non-FHIP funds used in the same activity)

Total \$400 to be repaid to HUD.

(6) *Reports.* You must provide reports in a format (which may be computer-generated), at a frequency and with contents specified by HUD. At a minimum, the report must include the

number and basis of complaints filed with HUD, with a FHAP agency, or in Federal/State Court as well as the number and terms of settlements or other outcomes achieved. If HUD does not prescribe a format or frequency, you will provide a narrative report within 90 days after all grant activities have ended or at the end of each 12-month period of the grant, whichever comes first. You do not have to disclose the terms of settlements or judgment that a court or other tribunal orders be kept confidential. You will also be required to provide status reports on case referrals you have made to HUD or a FHAP agency. These reports are for enforcement purposes and will remain confidential.

(7) *Enforcement Log.* You are required to record information about the funded project in a case tracking log (or Fair Housing Enforcement Log) in a format prescribed by HUD. Such information must include: the number of complaints of possible discrimination you have received; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; the entity to which the case was referred; and the resolution and type of relief sought and received. You must agree to make this log available to HUD. This log will be considered confidential for enforcement purposes.

(8) *Attachments.* All PEI and FHOI applicants must submit a Statement of Eligibility. All applicants must submit resumes, or position description in lieu of resume, of all key personnel; for those who have received funding for other projects, a copy of the most recent performance assessment from the funding source, if it was a HUD funded project, the most recent SF 269. In addition, FHOI, and PEI applicants must submit the Internal Revenue Service's, Letter of Determination declaring your Section 501(c)(3) status as a tax-exempt organization.

(C) *Additional Requirements for Education and Outreach Initiative*

Complaint Referral Process. EOI activities do not end with the delivery of educational activities. Their purpose is to enable persons who believe they have experienced housing discrimination to file complaints for investigation and relief. EOI applicants must develop a process for referring fair housing complaints to HUD or substantially equivalent entities under the Act. HUD expects this complaint

referral process will result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices.

(D) *Additional Requirements for Fair Housing Organizations Initiative*

Sponsored organization's viability and fair housing enforcement capacity.

Over the duration of the grant, the sponsored organization must demonstrate its capacity to become a viable, fair housing enforcement organization that conducts fair housing-related enforcement activities and leverages non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when HUD evaluates your application. We will look for this description in your response to Rating Factor 3: Soundness of Approach. Specifically, the application must address:

(a) Fair Housing-related enforcement activities. The sponsored organization must conduct all enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. Your application must identify which activities the sponsored organization will conduct at the end of the grant year 1, 2 and 3. Your performance measures will be based upon this description, and failure to meet them may result in termination of your grant or cooperative agreement.

(b) Organizational resources. The sponsored organization must not rely exclusively on FHIP funding. At the conclusion of each grant year, the sponsored organization must show increasing support from sources other than what is awarded under this program. Specifically, at the conclusion of year 1, no less than 5% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be funded from non-FHIP funds; at the conclusion of year 2, no less than 10% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds; and at the conclusion of year 3, no less than 20% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds. Your application must state how you will meet these requirements. Your performance measures will be based upon these requirements, and failure to meet them may result in termination of the grant.

V. Application Selection Process

(A) Screening/Threshold Review

Only applications that satisfy all of the applicable requirements under this NOFA will be considered for funding. Applicants meeting any of the following conditions are ineligible.

(1) *General Section Requirements and Procedures.* If you do not meet the Threshold Requirements set forth in Section II (B) of the General Section of this SuperNOFA.

(2) *Debarment and Suspension.* If your organization is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency.

(3) *Maximum award.* If you request funding in excess of the maximum allowed under the Initiative or Component for which you are applying your application is ineligible. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive.

(4) *Research Activities.* If 25% or more of your project is aimed solely and primarily at research. Also, your application should not require any surveys or questionnaires.

(5) *Eligibility Applicants.* If you do not meet the eligibility requirements for PEI and FHOI. For PEI, you must be a FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. For FHOI, you must be a QFHO.

(6) *Tax Exempt Status.* If you are not a tax-exempt, nonprofit, charitable organization. For PEI and FHOI, you must be a 501(c)(3) tax exempt organization as determined by the Internal Revenue Service (IRS). Your application must include a copy of your Letter of Determination from the Internal Revenue Service, dated prior to the deadline date of this NOFA, in support of your 501(c)(3) tax-exempt status.

(7) *Media-based Applications.* Applicants who submit applications under the EOI National Program Media Campaign must have as its primary responsibility advertisement and media and have at least 5 years of experience as an advertisement/media organization, or if the applicant is not a media organization, it must include as part of its proposal a subcontract with an established media/advertising or public relations organization, that has

experience in conducting national media campaigns. Applicants that fail to meet this requirement or include such subcontract arrangements in their proposals will be ineligible for funding. Further, for-profit awardees must adhere to OMB Circular A-122.

(8) *Poor Performance.* HUD will assess performance ratings for applicants who have received FHIP funding in 1998, 1999, or 2000. If the applicant has received a "poor" performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2002 competition. An applicant that does not agree with its determination of ineligibility for the FY 2002 competition because of "poor" performance must address to HUD's satisfaction the factors resulting in the "poor" performance rating before the FHIP application deadline. If the "poor" performance rating is not resolved to the Department's satisfaction before the application deadline, the application remains ineligible. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a "poor" performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

(9) *Suits Against the United States.* Your application is ineligible if as a current or past recipient of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

(10) *Other Litigation.* Your application is ineligible if any recipient under this Program used any funds provided by HUD to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 124.104).

(B) *Rating and Ranking.* Although all rating factors are organized the same way for all FHIP Initiatives, there are differences in application requirements and rating criteria, which are indicated throughout the Rating Factor instructions. Your application for funding will be evaluated competitively against all other applications submitted under one of the following Initiatives or Components:

- (1) Private Enforcement Initiative (PEI)
- (2) Education and Outreach Initiative
 - (a) Regional/Local/Community-Based Program:
 - i. General Component (EOI—GC)
 - ii. Disability Component (EOI—DC)
 - (b) National Program:

- iii. Media Campaign Component
- iv. Fair Housing Awareness Component

- (3) Fair Housing Organizations Initiative (FHOI)

All eligible applications will be reviewed and points awarded based upon: (1) your narrative responses to the Factors for Award and accompanying materials (e.g., resumes) and (2) bonus points, if entitled. The maximum number of points to be awarded for the Rating Factors is 100. See Section III (C) of General Section for discussion on Bonus Points. Applications with a score of seventy (70) points or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below seventy (70) points. Generally, applications of sufficient quality for funding will be selected in simple rank order under each Initiative or Component. HUD reserves the right to select applicants out of rank order to achieve greater geographic distribution of awards under each Initiative or Component, as described in Section V (C) below. Selections under each Initiative or Component will continue to be made until either all allocated funds have been obligated or until no applications of sufficient quality remain.

(B) Tie Breaking

When two or more applications have the same total overall score, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher.

(C) Achieving Geographic Diversity of Awards

(1) *PEI and EOI.* HUD reserves the right to select applications out of rank order under geographic diversity, to ensure that, to the extent possible, applications from more states for each Initiative or Component are selected for funding. If the Selecting Official exercises this discretion, it shall be applied to all qualified applications (applications of sufficient quality for funding—applications that received a score of 70 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic diversity provision will be applied as follows: when there are two or more applications

of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified queue. The applications moved to the end of the qualified queue will retain their rank order. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

(2) *FHOI*. The geographic diversity selection procedures described in paragraph V(C)(1) will be used for FHOI for activities proposed in the same state.

(D) *Factors for Award Used to Evaluate and Rate PEI, FHOI and EOI Regional/Local Community-Based Applications*. The factors for rating and ranking applications and the maximum points for each Rating Factor are described below. Failure to provide the required information under the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for obtaining a concise summary of the proposed activities is not considered in the rating of applications. Please respond fully to the criteria in each Rating Factor and sub-factor and, when directed, provide other information in support of your response. The Factors for Award are set out as follows:

In general. This section applies to all PEI, FHOI, and EOI Regional/Local Community-Based applicants. Your responses to each Rating Factor and including the “In Addition” section below must not exceed 10 page Rating Factor requirement.

In Addition. This section identifies issues to which you must respond, if required, by the particular Initiative or Component for which you are applying.

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)

You must describe staff expertise and your organization’s ability to complete the proposed activities within the grant period. You must also provide performance assessments conducted by your funding sources, including HUD, that have been done of your organization’s performance of these activities. Such performance assessments must be signed by or attached to a transmittal signed by the authorized representative of the funding source(s).

In General. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which

you plan to add staff (employees) or contractors.

(a) (5 Points) *Number and expertise of staff (this includes subcontractors and consultants)*. You must show that you will have sufficient, qualified staff who will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach):

(i) Identify, by name and/or title, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must devote a minimum of 75% of his/her time to the project. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience would be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person’s duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(ii) Attach resumes, or position description in lieu of resumes, for all key personnel. (Resumes do not count against the ten-page limit.)

(iii) Describe the qualifications to be considered in the selection of staff or contractors (and their staff) that will be assigned or hired at a later date, when you expect they will begin working on the project and how project activities will be carried out until then. Assume a start date of September 30, 2002.

(iv) Describe the racial/ethnic diversity of project staff and the applicant’s governing board. If there is no diversity, please explain. No explanation of the lack of diversity will result in less points being awarded.

(v) Include a chart showing availability of all named personnel during the proposed period of activity.

(b) (10 Points) *Organizational experience*. In responding to this subfactor, you must show that your organization has: (i) Conducted a past

project or past projects similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or (ii) engaged in activities that, although not similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last 3 years to be recent, experience pertaining to the specific activities 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. If the applicant organization has not engaged in projects similar to the scope and activities proposed in the application, two (2) points will be deducted.

In addition. If you are applying for funding under PEI or FHOI, provide the following information when responding to this subfactor:

(i) Respond completely to all questions in the Statement of Eligibility. (A copy of a blank Statement of Eligibility appears in the Appendix C to this NOFA.) For PEI, you must clearly state whether you are a QFHO or an FHO. You must provide information that establishes that your organization has engaged in each of the enforcement-related activities, for at least one year (if you are an FHO) or two years (if you are a QFHO). For FHOI, you must be a QFHO.

(ii) Describe the procedure you will use to ensure that testers comply with the requirements in Section IV (B) (3) of this program NOFA.

(iii) If you propose to conduct testing (other than rental or accessibility testing) projects proposing testing in the specific areas (for example, if testing is for sales of housing, your application should outline your sales testing experience) should document that, at a minimum, you have conducted successful testing in those areas. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured.

FHOI. Provide a statement of organizational capacity and experience of the sponsored organization.

In general. (c) (5 Points) *Performance on past project(s)*. You must describe your organization’s past performance in conducting activities relevant to your

proposal, in the past three years (including FY 1998–2000 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

- 5 points will be deducted if you obtained any “fair performance” assessment;
- 3 points will be deducted if you obtained any “good performance” assessment; and
- 0 points will be deducted if you obtained any “excellent performance” assessment.

For other Federal, State and local programs, include an assessment/review of the work performed under past projects. Attach a copy of the funding entity’s performance assessment/review of this project, if applicable. The following will apply to funding received from other Federal, State and local programs:

- 3 points will be deducted for failing to meet target dates and schedules for performance; and
- 2 points will be deducted for failure to meet measurable program outputs and outcomes.

If you do not have a past performance assessment or prior experience, you should include information such as meeting target dates, meeting program outputs and successful outcomes for projects similar in scope and size and give a description of the purpose of the project and what was accomplished. If audit reports are available, submit a copy of the most recent report. Those applicants that do not submit an audit report will receive a lower score for this sub-factor than those that do.

In addition. (a) If you have received an FHOI or a PEI award under the FY 1998, 1999 or 2000 FHIP NOFA, you must:

(i) Discuss your compliance with the mandatory referral requirement of all cases arising from FHIP-funded activities requirement, as described in the FY 1998, 1999, and 2000 NOFAs. Three (3) points will be deducted for this subfactor if you do not show in your application compliance with the requirement.

(ii) Discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. Two (2) points will be deducted for this sub-factor if you have not complied with the requirement.

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

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented fair housing problem in the target area. You will be evaluated on the information that you submit that describes the fair housing need in the geographic area you propose to serve, its urgency and how your project is responsive to that need. You must also describe whether you and/or your project are not served by a State or local FHAP agency.

(a) (15 Points) *Documentation of Need.* To justify the need for your project, you must describe the following:

- (1) The fair housing need, including:
 - (a) Geographic area to be served;
 - (b) Populations protected by the Act that will be served—your project must serve all persons protected by the Act; and
 - (c) The presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability. You must submit data and studies that support this indication.

(2) The urgency of the identified need. For example:

- (a) The consequences to persons protected by the Act if your application is not selected for funding;
- (b) The extent to which the organizations provide the services identified in your application;

(3) Other sources that support the need and urgency for this project. For example, use reports, statistics, or other data sources that are sound and reliable, including but not limited to, HUD or other Federal, state or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the

Guide from the HUD web at “www.hud.gov.”

If the fair housing needs you have identified are not covered under the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) or if your locality does not have a CP or AI, you should so indicate, and use other sound data sources to identify the level of need and the urgency in meeting the need. If your application addresses needs that are identified in the AI, you will receive more points than applicants located in an area with an AI that do not relate their program to the identified needs in the AI. For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed.

(4) The link between the need and your proposed activities:

- (a) how the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or
- (b) why, in light of other on-going efforts, the additional funding you are requesting is necessary.

In addition, with respect to (a) Documentation of Need, the following apply to specific FHIP Initiatives or Components:

EOI—Disability Component. Your project must serve all persons protected by the Act.

FHOI. HUD has targeted for funding under this Initiative, projects that will provide fair housing enforcement services to underserved areas and to areas with large concentrations of individuals who fall within one or more categories protected under the Act who are immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). Although HUD has targeted these areas, you are still required to justify the need for the sponsored organization by: (i) demonstrating the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability and submit data and studies that support your claim; and (ii) explain

why the project area is underserved and why the proposed sponsored organization is needed. Your proposal must serve all persons protected by the Act.

(b) (5 Points) *Underserved Areas*. Up to five points will be awarded when the applicant *and* project area are not served by a State or local FHAP agency. In instances where the applicant is located in an area not served by a FHAP agency but the project activities are conducted in various geographic areas, some that are not served by a State or local FHAP agency, points will be awarded as follows:

5 points will be awarded if more than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

4 points will be awarded if more than 60% but less than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

3 points will be awarded if more than 40% but less than 60% of the activities are conducted in areas not served by a State or local FHAP agency.

2 points will be awarded if more than 20% but less than 40% of the activities are conducted in areas not served by a State or local FHAP agency.

1 point will be awarded if less than 20% of the activities are conducted in areas not served by a State or local FHAP agency.

You must indicate whether (a) you are located in an area that is served by a State or local FHAP agency (see Appendix C for a list of FHAP agencies); (b) the activities you propose will be conducted in a project areas served by a State or local FHAP agency; and (c) explain why the project area is underserved and/or why the proposed organization or activity is needed.

Attachments. None required.

Rating Factor 3: Soundness of Approach (40 Points)

You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. Also attach a SOW and budget. Your proposed activities must support HUD's goals.

(1) (4 Points) *Support of HUD Goals*. Describe how your proposed project will further and support HUD. For FY 2002 FHIP applications, address the following:

A. *EOI*. (i) Applicants that are faith-based and other community-based organizations that propose to either

partner or sub-contract with faith-based and other community-based organizations in conducting their work programs will receive one point under this sub-factor. Please describe the following:

(I) Project purpose.

(II) Persons to be served.

(III) Geographic area to be served.

(IV) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s).

(V) The methodology you will use to carry out these activities and tasks.

(a) Applicants who partner or sub-contract with faith-based or community based organization in conducting their work program and submit a referral process will receive two points.

(b) Applicants who partner or sub-contract with faith-based or community-based organization in conducting their work program and do not submit a referral process will receive one point.

(ii) Up to three points will be awarded for applications specifically addressing housing discrimination based on national origin and religion since the September 11, 2001 attacks, as described in Section III(D), Priorities, of this NOFA. Please describe the following:

(I) Project purpose.

(II) Persons to be served.

(III) Geographic area to be served.

(IV) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s), and

(V) The methodology you will use to carry out these activities and tasks.

(a) Applicants who target outreach activities to specifically address discrimination under the Fair Housing Act based on national origin and religion since the September 11, 2001 attacks and submit a referral process will receive three points.

(b) Applicants who target outreach activities to specifically address discrimination under the Fair Housing Act based on national origin and religion since the September 11, 2001 attacks and do not submit a referral process will receive two points.

B. *PEI, FHOI, and EOI—Disability*

Should discuss their project purpose and proposed activities, persons to be served, geographic areas and methodology.

In addition. If you apply under the:

EOI. Describe how activities or final products can be used by other organizations and agencies. Also, describe the elements of the complaint referral process you will develop as a task under this grant. Explain how this referral process will result in an increased number of referrals to HUD.

FHOI. Over the course of the grant, the sponsored organization must conduct fair housing-related enforcement activities and leverage non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when evaluating your application.

PEI/FHOI. Describe a procedure to ensure that referrals of all complaints are made as required by this NOFA. Your description should include safeguards to ensure that referred complaints are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated.

You may conduct limited outreach activities (for PEI and for FHOI), as described in section IV (B)(2). This must be reflected clearly in your SOW and Budget.

(2) (5 Points) *Performance Objectives and Measures*. Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information. You will receive higher points under this subfactor if your application clearly states a specified set of performance criteria and outcomes that can be measured. Clearly identify the results of the proposed activities and what you will use to measure performance. The expected outcomes of your proposed activities should support HUD's strategic goal of "Ensuring Equal Opportunity and Access to Housing." You will receive fewer points if you fail to develop measurable objectives with respect to your stated activities.

Information Requirements. For PEI and FHOI, your application must include a description of the enforcement proposals to be referred to HUD. Your description must explain the information (see 24 CFR 121.2) you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints. If you propose a testing program, you must explain how you plan to structure the tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated. Describe the procedures you will put in

place to ensure that referrals of all complaints are sent to HUD. Failure to provide this description of your procedure will result in the reduction of 2 points for this subfactor.

(3) (15 Points) *Proposed Statement of Work (SOW) and Financial Management.* The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget. See Section VI for submission requirements.

Statement of Work—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (e.g., you, a subcontractor, or partner), and the products that will be provided to HUD and when. You should also include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors. The tasks identified in the SOW should be related to the proposed budget (See Appendix C for sample SOW).

Financial Management Capacity. Describe and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of an adequate accounting and internal control procedures.

(4) (16 Points) *The Budget Form and the Budget Information*—HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response, you must prepare a budget that: (1) is reasonable and cost-effective in achieving the goals identified in your proposed SOW; (2) relates tasks in the SOW to the proposed budget costs; (3) is cost-effective; (4) is quantifiable based on the Need identified in Factor 2; and (5) documents and justifies all cost categories in accordance with the cost categories indicated in the Budget Narrative Workplan that is discussed in more detail in paragraphs (a) through (j) below.

Cost Effectiveness of Program. Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities. Also, indicate how the proposed project is quantifiable based on the needs identified in Rating Factor 2.

FHOI Provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year 3.

In addition:

Your Non-Construction Programs SF-424A must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan must include information such as quotes obtained from various vendors, or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

A written budget narrative must accompany the proposed budget. It must explain and attach back-up documentation for each cost category. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations 41 CFR 301.11) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (counted toward the 10 page limit) and supporting documentation (not counted toward the 10 page limit) must address the following for maximum points.

(a) *Direct Labor*—by position or individual, specify the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(b) *Fringe Benefits*—by staff position, identify the rate, the salary base on which the rate was computed, estimate the cost per position, and the total estimated fringe benefits cost;

(c) *Material Costs*—indicate the item, unit costs per item, the number of items to be purchased, estimated cost per item, and the total estimated material costs;

(d) *Transportation Costs*—where use of a local private vehicle is proposed, costs must indicate the proposed number of miles (travel costs should be

consistent with Federal Travel Regulations), rate per mile of travel identified by item, and estimated total private vehicle costs. Where air transportation is proposed, costs should identify the destination(s), number of trips per destination, estimated air fare and total estimated air transportation costs. If other transportation costs are listed, you should identify the other method of transportation selected, the number of trips to be made and destinations, the estimated costs, and the total estimated costs for any other transportation costs.

(e) *Per Diem*—you must identify per diem or subsistence costs per travel day, the number of travel days, and the estimated costs for per diem/subsistence, which should total estimated transportation costs. You must use the Federal Travel Regulation for per diem rates for cities listed under "Transportation Costs" in your costs estimates.

(f) *Equipment charges*—must identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(g) *Consultant Costs*—indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(h) *Subcontract Costs*—identify each proposed subcontract and amount (each proposed subcontract must include a separate budget that identifies proposed costs by cost categories). If applicable, your project budget must include any costs related to subcontract(s) with the FHAP agencies and disability advocacy and/or traditional civil rights organizations that account for activities related to the subcontractor's role in the project. Your application must include a separate detailed budget for each subcontract.

(i) *Other Direct Costs*—listed by item, quantity, unit costs, total for each item listed, and total direct costs for the award; and

(j) *Indirect Costs*—identify your approved indirect cost rate base to which the rate applies and total indirect costs. If you do not have an accepted, federally negotiated indirect cost rate, you may use direct cost for all of your program costs. Alternatively you may develop a proposed indirect cost rate in accordance with Office of Management and Budget (OMB) Circular A-122, Cost Principles and Procedures for Non-Profit Organizations, and provide supportive documentation on this calculation. You must establish your approved indirect cost rate base in accordance with Circular A-122. Organizations that have previously

established indirect cost rates should not include direct costs in their indirect category.

Rating Factor 4: Leveraging Resources (10 Points Maximum)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

Firm Commitment of Leveraging. HUD encourages you to secure resources from sources other than what is requested from this program. Community resources may include funding or in-kind contributions, such as work space or services or equipment, allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities (including other HUD programs), public or private non-profit organizations, for-profit private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must: (i) Identify the organization and/or individual committing resources to the project, (ii) identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and (iii) describe how these resources will be used as part of your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the dollar value of those resources (Do not include indirect costs within your in-kind resources. In-kind and matching contributions and Program Income must be in accordance with part 84.23 and 84.24). No points will be awarded for general letters of support endorsing the project from organizations and/or individuals (including elected officials) in your community. The commitment is firm even if the offer is contingent upon HUD making an award under this program NOFA.

For PEI and EOI, if your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for PEI and EOI based on the following scale:

2 points will be awarded if your project will be supported by non-FHIP resources, but those funds are less than

5% of the project's total costs are from non-FHIP resources.

4 points will be awarded if at least 5% and less than 10% of the project's total costs are from non-FHIP resources.

6 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

8 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if at least 30% of the project's total costs are from non-FHIP resources.

For FHOI, 3 points will be awarded if more than 5%, but less than 10% of the project's total cost are from non-FHIP resources.

5 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

7 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if at least 30% of the project's total costs are from non-FHIP resources.

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

This factor addresses the extent to which you develop interrelationships, provide increased independence and empowerment, and generate organizational and project self-sufficiency.

1. *Coordination*—You are encouraged to join together and pool all available resources in a common, coordinated effort. You should relate your activities with other organizations in the project area, participate or promote participation in the project area's Consolidated Planning process (including Analysis of Impediments to Fair Housing Choice), and create partnerships with other activities in the community. In evaluating this factor, HUD will consider the extent to which you demonstrate:

(a) You have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner.

(b) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved living environments;

(c) The extent to which your application addresses outreach activities to promote awareness of project activities. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

2. *Self-Sufficiency*—You should demonstrate the extent to which your application develops solutions that result in increased independence and empowerment for those in your target areas. Such increased independence can result from such benefits as reducing discrimination practices, increasing awareness of the Act; increasing homeownership; eliminating barriers to housing choice or overcoming the impediments identified in the AI. For the EOI—Disability Component, you should demonstrate how the activities will assist the Department in implementing the Olmstead Supreme Court decision.

3. *Sustainability*—You should demonstrate the extent to which your program can become financially self-sustaining thereby decreasing your dependence on Federal funding and relying more on State, local and private funding so your activities can be continued after your grant award period is completed.

E. Factors for Award Used To Evaluate and Rate Applications for the National Education and Outreach Initiative Program

The factors for rating and ranking applicants and the maximum points for each factor, are provided below. The maximum number of points awarded any application is 100. Bonus points are not available for this category of funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner, and the applicant's ability to develop and implement large information campaign projects as appropriate, on a national scale. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project.

(5 Points) General Description of Applicant Organization and Relevant Experience.

In rating this factor, HUD will consider the extent to which the applicant demonstrates:

(a) The qualifications of the applicant organization; the type of organization (e.g., public, private, non-profit, for profit); and the organization's general areas of activity or line of business.

(b) If the applicant has managed large, complex, interdisciplinary projects, the applicant must include information on them in its response.

(c) Awards and major accomplishments of the applicant organization must be described. HUD will also consider any documented evidence, such as performance reviews, newspaper articles, or monitoring findings that may reflect positively or negatively upon the ability of the applicant and its proposed staff to perform the work.

(d) The applicant's capability in handling financial resources with adequate financial control procedures and accounting procedures. In addition, HUD will consider findings identified in applicants' most recent audits; accuracy of mathematical calculations; and other available information on financial management capability.

(i) For the Media Campaign Component—Applicants must describe their ability to effectively develop, implement, and manage a media campaign on a national scale. (Applicants must be or include as part of their proposal a subcontract with an established media/advertisement organization that has experience in conducting national media campaigns.) Applicants for FHIP program funding must specifically describe their experience in developing or carrying out programs to prevent or eliminate discriminatory housing practices. Applicants must discuss their and/or subcontractor's ability to implement a coordinated national marketing awareness campaign, especially in the areas of fair housing, discrimination, public health, and housing. In responding to this subfactor, the applicant must describe the extent to which its and/or subcontractor's past activities have resulted in successful national media campaigns as appropriate, especially with respect to developing and implementing innovative strategies resulting in positive public response.

(ii) For the Fair Housing Awareness Component—Applicants must describe their ability to develop, implement and manage a national campaign to raise the public's awareness of subtle abusive and deceptive discriminatory housing loans and mortgage lending practices. You must describe your ability to understand

fair housing issues/policies/practices. In responding to this subfactor, describe your knowledge of the sub-prime lending market and your past experience in developing and implementing innovative strategies in combating subtle abusive and deceptive lending practices on a nationwide basis.

(10 Points) Specific Description of Staff for Proposed Activities. The applicant must demonstrate that it has or will have sufficient personnel or will be able to quickly access qualified experts or professionals to deliver the proposed activities timely and effectively, including the readiness and ability of the applicant to immediately begin the proposed work program. Also the applicant must demonstrate relevant knowledge and experience of the overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested. To demonstrate that the applicant has sufficient qualified personnel, the applicant must submit the proposed number of staff hours for the sub-contractor, employees and experts to be allocated and availability of proposed staff to the project, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to the project, and the roles to be performed by each identified employee and expert. Highly competitive applications must demonstrate that proposed staff has at least 3 years of recent and relevant experience to undertake eligible program activities or projects similar in scope or nature and directly relevant to the work activities proposed. Finally, applicants should describe their or their sub-contractor's expertise in languages other than English and in reaching the informational needs of non-English speaking audiences.

(5 Points) Consideration of Past Performance. Your past experience in terms of your ability to attain measurable progress in the implementation of your most recent and similar activities where your performance has been assessed. HUD will take into account your past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, state or local programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD will use information related to these measures based on information on hand or available from public sources such as newspapers, Inspector General or

Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following will apply to Fiscal Years 1998, 1999, and 2000 FHIP grantees:

5 points will be deducted if you obtained any "fair performance" assessment;
2 points will be deducted if you obtained any "good performance" assessment; and
0 points will be deducted if you obtained any "excellent performance" assessment.

For other Federal, State and local programs, include an assessment/review of the work performed under past projects. Attach a copy of the funding entity's performance assessment/review of this project, if applicable. The following will apply to funding received from other Federal, State and local programs:

3 points will be deducted for failing to meet target dates and schedules for performance; and
2 points will be deducted for failure to meet measurable program outputs and outcomes.

If you do not have a past performance assessment or prior experience you should include information such as meeting target dates, meeting program outputs and successful outcomes for projects similar in scope and give a description of the purpose of the project and what was accomplished. If audit reports are available, submit a copy of the most recent report. Those applicants that do not submit an audit reports will receive a lower score for this sub-factor than those that do.

Rating Factor 2: Need/Approach to the Problem (20 Points)

This factor addresses the extent to which the applicant documents and defines the national need that its proposed activities and methods are intended to address, and how its proposal offers the most effective approach for dealing with that national need. In responding to this factor, an applicant will be evaluated on the following:

(1) The extent to which the applicant defines, describes, and documents the national need the application intends to address, which demonstrates a grasp of the elements of the problem, its pervasiveness at the national level, and an understanding of the necessary mass media vehicles. The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the

problem as an indication of ability to address the problem; and

(2) If the applicant has experienced staff or if the applicant proposes to use a contractor subgrantee, the extent to which the applicant provides a rationale for how it will utilize its staff or a contractor or subgrantee to incorporate its proposed activities, methods, and media techniques will most effectively deal with the national need described by the applicant in response to subfactor (1), immediately above. To the extent possible, applicants should demonstrate effectiveness in terms of scope and cost.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of the applicant's proposed work plan. The SOW must address the strategy, quality and time frames needed to carry out the project and all activities as proposed.

(5 Points) Measuring Performance Results. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance to ensure that commitments made and results to be achieved can be accounted for and independently assessed to ensure performance measurements are met. Applicants who have identified inputs and outcome measurements and included means for assessing these measures, tracking and monitoring performance goals and achievements against commitments made in the application will receive higher points than those that do not.

(15 Points) Statement of Work. Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should also include a schedule of proposed activities and products (with interim implementation steps), staff allocation over the term of the project, staff acquisitions and training, and activities of partners and subcontractors.

For the Media Campaign Component—HUD anticipates that products will be available in at least 3 languages plus English. Deliverables may include Public Service Announcements (PSAs) for radio and television in both majority and minority markets, and posters and other graphic materials. Graphic materials may include, but are not limited to, enlarged reproductions of several print PSAs, separately produced and printed posters for national public dissemination, and the development of ad slicks to market

in newspapers and magazines nationwide. The applicant should plan on using a clipping service or other appropriate means to collect information on frequency and scope of the placement of ads.

For the Fair Housing Awareness Component—HUD anticipates that all proposed activities will be conducted in a manner that will reach and benefit those members of the public vulnerable to subtle abusive and deceptive mortgage lending practices (e.g. languages, formats, locations, distribution, use of minority media). Applicants may target such tactics as: Loan flipping, multiple refinancing transactions over short periods of time, balloon payments, insurance packing and other predatory lending tactics. Deliverables may include Public Service Announcements (PSAs) for radio and television, and posters and other graphic materials. Graphic materials may include, but are not limited to; enlarged reproductions of several print PSAs, and separately produced and printed posters for national public dissemination.

In evaluating this factor, HUD will consider the extent to which you submit and describe your:

(10 Points) Work Plan. Applications should include work plans that: (a) Clearly describe the specific activities and tasks to be performed, the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously, estimated completion dates, and the work and program deliverables to be completed within the grant period, including specific numbers of quantifiable end products and program improvements the applicant aims to deliver by the end of the award agreement period as a result of the work performed;

(b) Provide national media market coverage, specific protected class focus, as well as focus on persons underserved (ethnic and racial minorities, especially those who are non-English speaking or who are not proficient in English); and

(c) Describe the immediate benefits of the project and how the benefits will be measured. Applicants must describe the methods they will use to determine the effectiveness of their national marketing strategies.

(d) Ensure that your application adheres to Performance Measures as outlined in Section IV(A)(2).

(10 Points) Budget Form and Budget Information. A written budget narrative must accompany the proposed budget. The narrative (counted toward the 10 page limit) and supporting documentation (not counted toward the

10 page limit) must address the following for maximum points:

(1) Cost estimates of salary levels, staff assignments, number of staff hours, and all other budget items are reasonable, allowable, and appropriate for the proposed activities;

(2) The proposed program is cost effective in achieving its anticipated results, as well as in achieving significant impact; and

(3) The proposed program is effective by explaining and attaching back-up documentation for each cost category. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants. A breakdown of each cost category is listed in Section V(D) of this NOFA.

In addition: (4) The proposed activities will be conducted in a manner (e.g., languages, formats, locations, distribution, use of majority and minority media) that will reach and benefit all members of the public, especially members of target groups identified in the individual program sections of this National NOFA;

(5) How proposed activities will yield long-term results and innovative strategies or "best practices" that can be readily disseminated to other organizations and State and local governments; and

(6) The proposed Media Campaign and Fair Housing Awareness Components make available activities, training and meeting sites, and information services and materials in places and formats that are accessible to all persons including persons with disabilities.

Rating Factor 4: Leveraging Resources (10 Points Maximum)

This factor addresses the ability of the applicant to secure other resources, which can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider:

The amount of non-FHIP resources you have identified and how firm the commitment is for those resources. HUD encourages you to secure resources from sources other than what is requested from this program. Resources may include funding or in-kind

contributions, such as workspace, donated media announcements, or equipment allocated to the purposes of your proposal. Resources may be provided by governmental entities (including other HUD programs) public or private non-profit organizations, for profit private organizations, or other entities willing to work with you in accordance with the proposed FHIP activities. If your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned based on the following scale:

2 points will be awarded if your project will be supported by non-FHIP resources, but those funds are less than 5% of the project's total costs are from non-FHIP resources.

4 points will be awarded if at least 5% and less than 10% of the project's total costs are from non-FHIP resources.

6 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

8 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if more than 30% of the project's total costs are from non-FHIP resources. You must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals committing resources to the project. Each letter of firm commitment must: (i) Identify the organizations and/or individuals committing resources to the project; (ii) identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and (iii) describe how these resources will be used as part of your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the dollar value of these resources. No points will be awarded for general letters of support endorsing the project from organizations and/or individuals (including elected officials) in your project area(s).

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

This factor addresses the extent to which you develop interrelationships, provide increase independence and empowerment, and generate organizational and project self-sufficiency.

1. *Coordination*—You should address the extent to which your program

provides materials, training or services and implements a coordinated process of addressing the national need by using HUD funding resources and other available resources. You must also describe how they plan to use their affiliated branches, or partner with other organizations, to distribute materials or services developed under this National NOFA for use at the local level. In evaluating this factor, HUD will consider:

(a) The extent to which you have developed interrelationships to help build nation-wide efforts that coordinates the resources of multiple applicants and programs. HUD encourages multiple entities to join together and pool all available resources in a common, coordinated effort to obtain national geographic coverage. Describe in your proposal how your project activities will be coordinated with other organizations and linked with: (i) Other on-going HUD-funded program activities; (ii) Other on-going national, Federal, State, local or privately funded activities.

(b) The extent to which your application addresses outreach activities to promote awareness of project activities. This includes: (i) a discussion of how your methods or approaches will ensure that project activities and materials are distributed nationally, regionally, and locally to groups and organizations, (ii) identification of such groups and organizations in your project area, and (iii) an explanation of how your project will promote national coordination with various groups or organizations. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

2. *Self-Sufficiency*—You should demonstrate the extent to which your application develops solutions that result in increased independence and empowerment for those on a national level. Such increased independence can result from such benefits as reducing discrimination practices; increasing awareness of the Act; increasing homeownership; or eliminating predatory lending practices.

3. *Sustainability*—You should demonstrate the extent to which your program can become financially self-sustaining thereby decreasing your dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed.

(F) Applicant Notification and Award Procedures

(1) *Notification*. No information about the review and award process will be available to you during the period of HUD evaluation, which begins on the closing date for applications under this NOFA and lasts approximately 90 days thereafter, except to advise you, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in Section V of the General Section of the SuperNOFA and Section VII of this NOFA.

(2) *Negotiations*. If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described at Section III of the General Section of the SuperNOFA. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (i.e., a subcontractor, etc.).

(3) *Funding Instrument*. HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate.

(4) *Adjustments to Funding*. As provided in Section III of the General Section of the SuperNOFA, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of this SuperNOFA, or where:

(a) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

(b) An ineligible activity is proposed in an otherwise eligible project;

(c) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

(d) The past record of key personnel warrants special conditions; or,

(e) Training funds are not reserved for FHIP training.

(5) *Performance Sanctions.* A grantee or subcontractor failing to comply with the requirements set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any Federal agency.

(6) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving written request from the applicant, provide a debriefing to the requesting applicant. Materials provided during the debriefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting a debriefing must send a written request to Annette Corley, Public Trust Officer, U.S. Department of Housing and Urban Development, FHIP/FHAP Support Division, 451 7th Street SW, Room 5224, Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances required of applicants to all HUD programs, which can be found in the General Section of the SuperNOFA, you must submit with each FHIP application, the forms, certifications and assurances described below and found at Appendix B.

In General

When applying under any Initiative or Component you must submit the following:

(A) *Transmittal Letter.* Your transmittal letter must identify: (1) The dollar amount requested, (2) the specific FHIP Initiative, or in the case of EOI, whether for the Regional/Local Community Based Program or the National Program, and the specific Component (General or Disability, Media Based or Fair Housing Awareness), for which you are applying, and (3) your preference for selection, if you are applying to more than one Initiative or Component (does not apply for FHOI).

(B) *Cover Page.* Respond to Applicant's Preference for Award which identifies your rank order preference if submitting more than one application. Failure to submit the Cover Page will result in a correctable Technical Deficiency as outlined in Section V of the General Section of this NOFA.

(C) *Narrative Statement.* Respond completely to the instructions under each of the five Factors for Award and include the related items, such as resumes, SOW, and budget. Failure to provide the required information in the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for developing a project synopsis, will not be considered when evaluating applications. The narrative responses must not exceed 10 pages per factor (required attachments are not counted); text must be double-spaced and pages numbered consecutively (starting with Factor 1 through the end of Factor 5). Please use 12 typesize for your narrative responses.

(D) Applicants must develop, maintain, and submit a written code of conduct as noted in the General Section.

Listed below are requirements by Factor for the Regional/Local Community Based Programs:

Award Factor 1: Capacity of Applicant and Relevant Organizational Experience—Narrative, Performance Assessments/Evaluation of Past Projects if Applicable

In addition:

For PEI and FHOI Applicants:

(1) *Testing Experience.* You must document your prior testing experience (see Factor 1: Capacity of the Applicant and Relevant Organizational Experience),

(2) *Letter of Determination from IRS* of your 501(c)(3) tax-exempt status, and

(3) *Statement of Eligibility.*

Award Factor 2: Need/Distress/Extent of the Problem

Narrative. Reference or submit data and studies that indicate the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status or disability, and explain why the project area is underserved and why the proposed organization is needed. Do not attach copies of reports, computer print-outs, etc. If you have tables or exhibits include them. Make sure they are referenced in the text. Attachments not mentioned in the text will not be reviewed necessarily.

Award Factor 3: Soundness of Approach—Narrative, Statement of Work, Budget Form(s), Budget Narrative

You MUST submit a certification from an Independent Public Accountant or your cognizant government auditor on your financial management and audit information. Failure to submit this information will result in points being deducted from your application. In addition, you must describe the information you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints.

In addition: Depending upon the Initiative or Component for which you are seeking funding, you must respond to the following points in your narrative responses:

(a) For EOI Applicants, You must describe the elements you will use to develop the process for referring fair housing complaints to HUD.

(b) For FHOI Applicants,

(1) The sponsored organization must conduct all of these enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. The application must specify which activities will be conducted in year 1, year 2, and year 3. Even though HUD has targeted for award projects that assist rural and immigrant populations, you must explain why the proposed fair housing enforcement organization is needed.

(2) Performance Measures. You must address the following:

(i) the sponsored organization's capacity to become a viable, fair housing enforcement organization that conducts fair housing related enforcement activities and leverages non-FHIP resources.

(ii) that the sponsored organization will meet the required performance measures for sponsored organizations and how these measures will be achieved.

Award Factor 4: Leveraging Resources—Narrative. Letter(s) of Firm Commitment

Award Factor 5: Coordination, Self-Sufficiency and Sustainability—Narrative

No attachments are required.

Listed below are the requirements by Factor for the EOI—National Program Components.

Award Factor 1: Capacity of Applicant and Relevant Organizational Experience—Narrative

Performance Assessments/Evaluation of Past Projects if applicable.

Award Factor 2: Need/Distress/Extent of the Problem—Narrative

Reference and submit data and studies that indicate the need for a centralized, coordinated fair housing media designed to educate the public about their fair housing rights. Do not attach copies of reports, computer print-outs, etc. If you have tables or exhibits include them. Make sure they are referenced in the text. Attachments not mentioned in the text will not be reviewed necessarily.

Award Factor 3: Soundness of Approach—Narrative

SOW. Budget Form(s), Budget Narrative. You MUST submit a certification from an Independent Public Accountant or your cognizant government auditor on your financial management and audit information.

Award Factor 4: Leveraging Resources—Narrative

Letter(s) of Firm Commitment.

Award Factor 5: Coordination, Self-Sufficiency and Sustainability—Narrative

No attachments are required.

Audit Information—Unless you are a new Federal applicant, you must submit a certification from an Independent Public Accountant or your cognizant government auditor, stating that the financial management system you employ meets prescribed standards for fund control and accountability required by: OMB Circular A–133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A–110 (as codified at 24 CFR part 84), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Non-Profit Organizations; and/or OMB Circular A–102 (as codified at 24 CFR Part 85) Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally-Recognized Indian Tribal Governments. This information must contain the name and telephone number of the Independent Auditor, cognizant Federal auditor, or other audit agency, as applicable. Failure to submit this information will result in points being deducted from your application. This information must be provided before HUD will enter into a grant or cooperative agreement.

VII. Corrections to Deficient Applications

Section V of 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)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

IX. Authority

Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616) established the Fair Housing Initiatives Program (FHIP) and the implementing regulations are found at 24 CFR part 125.

APPENDIX A—FREQUENTLY ASKED QUESTIONS

Q. If data, tables, exhibits, and studies are submitted with the application, will they be counted toward the 10 page limit requirement?

A. Yes. Summarize the points you want to make in the 10 page narrative statement from the data tables, exhibits, and studies.

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan. Is the Certification required this year?

A. Yes.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for the FY2002 FHIP SuperNOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

Q. What are the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3: Soundness of Approach). The narrative pages must be double-spaced and you are required to use 12 typesize. Points will be deducted from your application if this criteria is not met.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be private, tax-exempt, charitable organizations that have engaged in enforcement-related activities. The amount of enforcement-related experience is an eligibility requirement for PEI, least one year for and FHOI, at least two years. (See 24 CFR 125.103 for QFHO and 24 CFR 125.401(b)(2) for FHO.)

Applicants to PEI and FHOI are required to complete the Statement of Eligibility—where they self-identify as a QFHO or an FHO and provide information, including dates of enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least the one or two year enforcement-related experience requirement.

Q. May an applicant subcontract out a percentage of its activities to subcontractors or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner, subgrantee, or consultant exceed 10% of the grant amount, an itemized budget is required.

Q. Is an organization “engaged in testing for fair housing violations” if it hires an organization to subcontractor or consultant in conducting its testing program?

A. Yes, so long as the applicant analyzes the test results, and undertakes some oversight or selection of testing operations.

Q. Does the SuperNOFA identify what makes an application ineligible?

A. Yes. See the eligibility requirements for each Initiative and Section IV(B) of the FHIP NOFA, and the Threshold Criteria in Section V(A).

Q. Can an applicant propose to do an Analysis of Impediments (AI)?

A. No. The applicant can identify activities to be carved out of the AI but not to do planning to develop AI.

Q. Are there major differences between this year’s SuperNOFA and last year’s?

A. Yes, those differences are explained in Section III of the FHIP NOFA.

Q. At what point may a FHOI “sponsored organization” apply under any FHIP Initiative?

A. A sponsored organization is eligible after three (3) years to apply for funds under EOI and, depending upon its record of conducting enforcement-related activities, may be eligible to apply for funds under PEI.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP/FHAP Support Division Office in Washington, DC. These applications should be mailed or sent by an express service to the address stated in the SuperNOFA under the Section Address for Submitting Applications.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. HUD will not acknowledge the receipt of applications over the telephone (see General Section for return receipt requirements).

Q. What is the website address?

A. <http://www.hud.gov/grants>

Q. What is the due date?

A. The due date is outlined in this NOFA under Section I, Application Due Date.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Laretta A. Dixon, Myron P. Newry, or Denise L. Brooks of the [FHIP/FHAP Support Division at (202) 708-0800

(this is not a toll-free number).] Persons with hearing or speech impairments may call 1-800-290-1617 (this is a toll-free number).

Technical assistance does not extend to helping you to write your individual application, but to clarify general application and program requirements.

Q. What is meant by geographic diversity?

A. See comments above in Section V.

Q. As an FHOI applicant, are education and outreach expenses required to come out of my 15% administrative costs?

A. No. The education and outreach expenses can be accounted for in the budget of the organization being established or enhanced.

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APPENDIX B

FHEO FIELD STRUCTURE - OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

<u>FHEO OFFICES</u>	<u>DIRECTORS</u>	<u>TELEPHONE NO.</u>	<u>AREA COVERED</u>
BOSTON Hub Thomas P. O'Neill Federal Bldg. 10 Causeway Street, Room 375 Boston, MA 02222-1092	Marcella Brown	(617) 565-6977	MA, CT, ME, VT, NH, RI
NEW YORK CITY Hub 26 Federal Plaza New York, NY 10278-0068	Stanley Seidenfeld	(221) 264-1290	NY, NJ
PHILADELPHIA Hub The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380	Wanda S. Nieves	(215) 656-0647	PA, MD, VA, DC, WV, DE
ATLANTA Hub 5 Points Plaza 40 Marietta Street, SW Atlanta, GA 30303-3388	Gregory King	(404) 331-5001	GA, AL, MS, FL, PUERTO RICO, KY, TN, SC, NC
CHICAGO Hub Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604-3507	Barbara Knox	(312) 353-7776	IL, MN, MI, WI, OH, IN
FORT WORTH Hub 1600 Throckmorton Street Fort Worth, TX 76113-2905	Thurman Miles (Acting)	(817) 978-9271	TX, AR, OK, LA, NM
KANSAS CITY Hub Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406	Robbie Herndon	(913) 551-6958	KA, MO, NE, IA