

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5800-N-01]

Notice

General Section to the Department's Fiscal Year 2014 NOFAs for Discretionary Programs

AGENCY: Office of the Secretary, Department of Housing and Urban Development (HUD).

ACTION: Notice of the Department's Fiscal Year (FY) 2014 NOFAs for Discretionary Programs

SUMMARY: This Notice publishes the General Section to the Department's FY 2014 NOFAs for Discretionary Funding (also referred to as Program NOFAs), in advance of the publication of any individual FY 2014 Program NOFA. The General Section presents the Department's requirements, other cross-cutting federal requirements and application submission requirements applicable to all HUD Program NOFAs. This General Section and the individual FY 2014 Program NOFAs constitute the entirety of the FY 2014 NOFA requirements and instructions that apply to the FY 2014 Program NOFAs. All web links included in this General Section were functioning at the time of publication. Any non-functioning links found in this General Section should be reported to HUD's Office of Strategic Planning and Management, Grants Management Division listed below in the Contact Information. The applicant is responsible for timely reviewing of the content contained in the links embedded within this General Section. Please note that non-functioning web links will not release the applicant from complying with any of the requirements under this General Section and the Program NOFAs.

A. The Department's Strategic Goals and NOFA Priorities

HUD encourages applicants for funding in FY2014 to undertake programs and projects that contribute to HUD's Strategic Goals and Priorities. The NOFA Priorities are designed to align grantee efforts with HUD's Strategic Goals and the Department's Mission. Applicants that undertake activities that result in achievement of specific NOFA Priorities are eligible to receive NOFA priority points in the rating of their application. NOFA priority points will be considered only if the application already meets or exceeds the NOFA's threshold for funding.

Applicants may earn up to 2 points for each NOFA Priority. Each individual program NOFA will identify the NOFA Priorities that are applicable to that program and the rating points or how they are used in the selection process. Each program NOFA will specify at least two NOFA priorities and provide for at least two points in the rating of applications devoted to the NOFA priorities. Exceptions to this policy will be noted in the program NOFA. The maximum number of NOFA priority points that will be awarded an application is four. Each program NOFA will specify the applicable NOFA Priorities and the number of points allocated to each based on the criteria contained herein.

The four agency policies designated as priorities for the FY14 NOFAs are:

1. Promote health and housing stability of vulnerable populations,
2. Promote economic development and economic resilience,
3. Affirmatively furthering fair housing, and
4. Increase the health and safety of homes and embed comprehensive energy efficiency and healthy housing criteria across HUD programs.

The criteria for earning extra points are detailed in the Table in Appendix A of this General Section. A brief description of each NOFA priority is provided below.

1. Promote Health and Housing Stability of Vulnerable Populations

One of HUD's strategic objectives is that programs thoroughly connect HUD assistance to health care programs and benefits in efforts to improve health and housing outcomes of target populations. The HUD Act of 1970 provides that national urban policy should increase coordination among federal programs that seek to promote, among other things, decent and affordable housing and access to health care. HUD believes that there is a close relationship between health and housing stability with respect to vulnerable populations. For the uninsured, health problems can lead to inability to pay rent and utilities, bankruptcy, and possible eviction or foreclosure, creating or increasing need for HUD assistance; for those already living in HUD-assisted housing, such problems may make it harder to become more self-sufficient and graduate from HUD programs. Stable housing is a necessary precondition for health and healing, and every person who receives assistance from HUD programs should have access to affordable health insurance and quality health care. HUD encourages grantees to undertake collaborations with public, private, nonprofit, and community- and faith-based organizations to increase access to health insurance and to improve housing and health outcomes. In HUD's Strategic Plan for 2010-2015, this priority is addressed in all of Goal 3, Utilize Housing as a Platform for Improving Quality of Life, with specific objectives for ending homelessness, coupling HUD funding with supportive services funding for vulnerable populations, promoting health and stability of HUD residents by increasing the scope and scale of insurance coverage with implementation of the Affordable Care Act, and utilizing HUD assistance to improve housing and health outcomes.

2. Promote Economic Development and Economic Resilience

One of HUD's goals is to build strong, resilient, and inclusive communities. Strong communities provide job opportunities for all including low-income residents, good schools that provide effective education for all students, quality health care and ample, walkable neighborhoods and efficient public transportation to allow residents to reach employment, shopping and other life enhancing services.

Applicants applying for points under this priority will present specific, substantive plans that will provide employment for low-income residents, enhanced educational opportunities for children and adults, and access to amenities while reducing transportation costs.

3. Affirmatively Furthering Fair Housing

Funding housing and community development activities that afford residents an opportunity to live in a variety of neighborhoods and not be confined to affordable housing choices in areas of high poverty or areas that are not racially or ethnically diverse is a key part of HUD's mission. Recognizing that housing and community development efforts must address a complex network of social and economic factors in order to promote more diverse, inclusive communities, HUD seeks to encourage its grantees to undertake comprehensive and innovative strategies to affirmatively further fair housing.

As HUD's strategic plan notes, an inclusive community is one in which all people have access to quality housing, education, employment opportunities, health care, and transportation. Many of the neighborhoods hit hardest by the economic and housing crisis—those with the highest rates of foreclosure and job loss—are racially isolated, with the poorest quality schools, limited access to economic opportunity, the longest commuting time to jobs, and the most homes that pose health risks. Strategies to affirmatively further fair housing are included throughout HUD's Strategic Plan.

Strategies that affirmatively further fair housing should aim to achieve the following two interconnected outcomes:

- a. **Increased Housing Choice.** The result of HUD-funded programs should be an increase in the options that individuals have when choosing where to live regardless of race, color, religion, national origin, sex, familial status or disability. The effects of formerly de jure segregated public or assisted housing should be reduced or eliminated and racial segregation in all housing developments, neighborhoods and communities in regions with a high segregation index should be decreased; and,
- b. **Creation of Mixed-Income Communities of Opportunity.** HUD seeks to increase the number of HUD-assisted households located in mixed-income communities with access to employment and educational opportunities, transportation, and essential goods and services that are located outside of neighborhoods of concentrated poverty.

4. Increase the Health and Safety of Homes and Embed Comprehensive Energy Efficiency and Healthy Housing Criteria across HUD Programs

One of HUD's strategic goals is to increase the health and safety of homes and embed comprehensive energy efficiency and healthy housing criteria across HUD programs. Creating energy efficient housing is part of a long-term strategy to reduce the environmental impact of these buildings and at the same time increase housing affordability by reducing utility costs for both owners and residents. HUD is also committed to improving the health and safety of homes for families and children by improving indoor environmental quality and addressing lead hazards and other conditions that threaten the life or health of residents.

Programs that coordinate home health, safety and energy efficiency assessments and interventions create better outcomes for residents and may achieve significant cost savings over individual program interventions. Further, it is HUD's experience that coordinated interventions can enhance and positively leverage each program's intervention. Points awarded for this NOFA priority will encourage coordination between the various programs and help break down barriers and stand-alone approaches. To receive the maximum number of points for this NOFA priority requires addressing both energy issues and health and safety issues.

HUD has adopted Energy Star (Certified New Homes and Multifamily High Rise), as the minimum standard for new developments supported with federal grants, along with Energy Star appliances and WaterSense products. Minimum requirements are also established for moderate or substantial rehabilitation projects. Refer to "Common Energy Efficiency Requirements" in Rental Policy Working Group's report, [Federal Rental Alignment: Administrative Proposals](#), December 2011. In order to qualify for one priority point under this NOFA priority in regard to energy efficiency, grantees that build new or rehabilitate existing properties must meet a recognized green building rating standard, or take other actions, that exceed these standards above.

Poor housing conditions, such as a dilapidated structure; roofing problems; heating, plumbing, and electrical deficiencies; water leaks and intrusion; pests; damaged paint; and radon gas are associated with a wide range of health conditions. In order to qualify for one or more priority points under this NOFA priority in regard to housing-related health and safety issues, new construction or rehabilitation of housing must assess housing units for these and comparably significant health and safety deficiencies holistically, and address the hazards and risks based on the holistic healthy housing assessment. The CDC-HUD [Healthy Housing Reference Manual](#) is the applicable standard of care for these assessments and treatments; the use of other standards demonstrated by the applicant as being of comparable quality and stringency will be acceptable for receiving priority points.

Specific criteria for receiving points under this NOFA priority are described in Appendix A.

B. Evidence-Based Decision-Making

The Department continues to rely on the use of documented evidence in making funding decisions related to its competitive programs. In designing its Program NOFAs and evaluating applications, the Department takes into account the documented evidence-based data available for each program, which may be found through program assessments, independent studies or evaluations related to the comparative effectiveness of different approaches or strategies, or other studies sponsored by the Department's Office of Policy Development and Research and other entities. All grantees must agree to cooperate in Department-funded research and evaluation studies.

C. NOFA Schedule

The Department plans to publish Program NOFAs as they are approved for publication during FY 2014.

Any change to this General Section, or to a Program NOFA occurring before the program submission deadline will be posted online at www.Grants.gov (also referred to as the Grants.gov website) as a technical correction. The Grants.gov website asks applicants to submit an email address for each application they download, so that they can be notified of any changes to the application before the closing date for a Program NOFA. Any amendment to a Program NOFA occurring after the submission deadline will appear on the Department's Funds Available webpage located at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail .

D. Program NOFA Application Submission Requirements

The General Section and Program NOFA comprise the full set of application submission instructions that are applicable to the individual Program NOFA. Applicants are advised to become familiar with the full set of application submission requirements, and to provide copies of the General Section to all persons involved in the application process.

Key requirements of the General Section include:

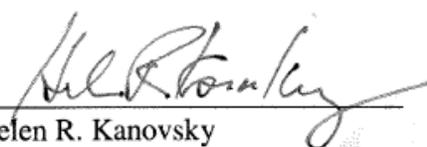
Applicants must submit applications online via the Grants.gov website, with the exception of the Continuum of Care competition, which is submitted through the electronic grants management system, e-snaps, managed by the Department's Office of Special Needs Assistance Programs. Applicants may request a waiver of the electronic submission requirements for good cause, in accordance with 24 CFR 5.1005. (See, **Waiver of Electronic Submission Requirements**, para. IV.A.3, below.)

All applicants must have a Dun and Bradstreet Universal Numbering System (DUNS) identifier and maintain active registration in the System for Award Management (SAM). Detailed instructions for registration are located on the Grants.gov web page. The applicant may also go to <http://www.dnb.com/> to apply or search for a DUNS identifier. Please go to www.sam.gov for registration instructions and to register for SAM. Registration instructions for Grants.gov are found on the [Grants.gov](http://www.Grants.gov) web page.

CONTACT INFORMATION: For further information on the Department's FY 2014 policy requirements and the General Section guidance, please contact the Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, located at 451 7th Street, SW, Room 3156, Washington, DC 20410-3000. The applicant may also contact the division by telephone at (202) 708-0667. Please note this is not a toll-free number. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: To help applicants with the electronic application registration and submission process, the Department advises applicants to use the checklists, user guides and other help features located at SAM and Grants.gov websites. Both websites provide access to instructions and answers to frequently asked questions which are updated periodically.

Date: 2/12/2014


Helen R. Kanovsky
Acting Deputy Secretary

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OVERVIEW INFORMATION

A. Federal Agency Name: United States Department of Housing and Urban Development, Office of the Secretary.

B. Funding Opportunity Title: FY 2014 General Section to the Department's FY 2014 NOFAs for Discretionary Programs.

C. Announcement Type: Initial announcement of the general requirements that apply to all departmental competitive federal financial assistance NOFAs for discretionary funds for FY 2014.

D. Funding Opportunity Number: FR-5800-N-01. Office of Management and Budget (OMB) Approval Number is provided for each information collection.

E. Catalog of Federal Domestic Assistance (CFDA) Number: A CFDA number is provided in each departmental Program NOFA.

F. Dates: Each FY 2014 Program NOFA will specify the applicable deadline date .

FULL TEXT OF ANNOUNCEMENT

I. FUNDING OPPORTUNITY DESCRIPTION.

A. Requirements. The General Section describes the requirements that are applicable to all HUD FY 2014 Program NOFAs. The General Section provides summary information on the Department's priorities and strategic goals. Each Program NOFA will describe additional procedures and requirements that apply to the individual program, including a description of the eligible applicants, eligible activities, threshold requirements, cross-program requirements such as nondiscrimination, environmental protection, and any additional program requirements or limitations. To adequately address all of the application requirements for any program, please carefully read and respond to both this General Section and the applicable Program NOFA.

B. Authority. The Department's authority for making funding available for FY 2014 programs is identified in each Program NOFA.

II. AWARD INFORMATION.

A. Funding Available. Each Program NOFA will identify the estimated amount of funds available in FY 2014 based on current appropriations, plus any funds that may be available as a result of funds carried over from previous FYs or recaptured funds. A Program NOFA may be issued in advance of appropriations and, if so, will be subject to the availability of funding. If issued in advance of appropriations, the Program NOFA will not provide a total dollar amount

for funds available. However, the Program NOFA may indicate the approximate size of grant awards to be made in order to aid potential applicants in preparing their application submissions.

III. ELIGIBILITY INFORMATION.

A. Eligible Applicants. All applicants must have valid, active Registration in SAM prior to submission of applications for financial assistance, as required in 2 CFR 25.200. Each Program NOFA will describe additional applicant eligibility requirements. The Department does not provide direct services or products to individuals through its formula-based Programs or its competitive Program NOFA process.

B. Cost Sharing or Matching. Each Program NOFA will describe the cost sharing, matching or fund leveraging requirements, if applicable.

C. Other Requirements and Procedures Applicable to All Programs. Unless specifically stated otherwise in a Program NOFA, the requirements listed below apply to all FY 2014 programs.

1. Statutory and Regulatory Requirements. To be eligible for funding under a FY 2014 Program NOFA, each applicant must meet all statutory and regulatory requirements applicable to the program for which they seek funding. Applicants needing to reference program regulations may obtain them from the program contact identified in each Program NOFA, or may obtain them electronically from the Electronic Code of Federal Regulations website located at www.ecfr.gov. Each Program NOFA will provide instructions on how the Department will address proposed activities that are ineligible for funding.

2. Threshold Requirements.

a. Ineligible Applicants. The Department will not evaluate an application from an ineligible applicant nor an applicant failing to meet one or more of the threshold eligibility requirements. Each Program NOFA may specify threshold requirements in addition to those listed in this General Section.

b. Resolution of Civil Rights Matters. Resolution of outstanding civil rights matters must be completed prior to the application deadline.

(1) If you, the applicant, have one of the following charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (a) – (g) that has not been resolved to HUD's satisfaction before or on the application deadline date then you, the applicant, are ineligible for funding.

(a) You have received a charge from HUD concerning a systemic violation of the Fair Housing Act or received a cause determination from a substantially-equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair

housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;

(b) You are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance pursuant to 42 U.S.C. 3614(a);

(c) You are a defendant in any other lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, Title II of the Americans with Disabilities Act, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(d) You have received a letter of findings identifying systemic noncompliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or Title II of the Americans with Disabilities Act; or

(e) You have received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law proscribing discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

(2) HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date are sufficient to resolve the matter. Examples of actions that may be considered sufficient to resolve the matter include, but are not limited to:

(a) Current compliance with a voluntary compliance agreement signed by all the parties;

(b) Current compliance with a HUD-approved conciliation agreement signed by all the parties;

(c) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;

(d) Current compliance with a consent order or consent decree; or

(e) Current compliance with a final judicial ruling or administrative ruling or decision.

c. Consistency with the Consolidated Plan and Analysis of Impediments to Fair Housing Choice. Certain competitive Programs require the application for HUD funds to contain a certification of consistency with a HUD-approved Consolidated Plan. This certification means that the proposed activities are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. The Consolidated Plan also includes the jurisdiction's certification to affirmatively further fair housing which means, among other requirements, that the jurisdiction has conducted an Analysis of Impediments to Fair Housing Choice (AI). If a program NOFA requires a certification of consistency with the Consolidated Plan and the applicant fails to provide the certification, and such failure is not cured as a technical deficiency, HUD will not fund the application. Please refer to the Program NOFAs for detailed guidance on compliance with this requirement.

3. Compliance with Nondiscrimination and Other Requirements. The following nondiscrimination provisions and other requirements apply to all Program NOFAs. Please read the corresponding requirements in each Program NOFA carefully as there are some variations in requirements among the Department's programs.

a. Compliance with Fair Housing and Civil Rights Laws. With the exception of federally recognized Indian tribes and their instrumentalities, applicants and their subrecipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II and Title III of the Americans with Disabilities Act of 1990; and Section 109 of the Housing and Community Development Act of 1974.

(1) If the applicant is conducting programs or activities with funds received under a Program NOFA in a state or local jurisdiction that has passed a law prohibiting discrimination in housing based upon sexual orientation or gender identity, or a law prohibiting discrimination in housing based on lawful source of income, the applicant and its subrecipients must comply with the law(s) of the state or locality in which the program activities are conducted.

(2) If the applicant is a federally recognized Indian tribe or Tribally Designated Housing Entity (TDHE), the applicant must comply with the nondiscrimination provisions enumerated in the regulations applicable to the program the applicant administers. Each Program NOFA shall specify the applicable civil rights requirements for Indian Tribes or TDHEs when they are listed as eligible applicants under the Program NOFA.

b. Affirmatively Furthering Fair Housing. Section 808(e)(5) of the Fair Housing Act requires the Department to affirmatively further the purposes of the Fair Housing Act in its housing and urban development Programs. Accordingly, the Department requires recipients of funds, including those awarded and announced under the Department's FY 2014 Program NOFAs that are not specifically exempted, to take affirmative steps to further fair housing.

PLEASE NOTE: Federally recognized Indian tribes are not subject to the requirement to affirmatively further fair housing. Other tribal entities may also be exempt. Refer to the Program NOFAs for more information on exemptions.

Unless otherwise specified in the Program NOFA, an applicant must discuss how it is going to carry out the proposed activities in a manner that affirmatively furthers fair housing in complete compliance with Section 808(e)(5) of the Fair Housing Act.

4. Other Requirements

a. Outstanding Delinquent Federal Debts. It is HUD policy, consistent with the purposes and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), that an applicant with an outstanding

delinquent federal debt will not be eligible to receive an award of funds from the Department unless:

(1) A negotiated repayment schedule is established and the repayment schedule is not delinquent, or

(2) Other arrangements satisfactory to HUD are made prior to the award of funds by HUD. If arrangements satisfactory to HUD cannot be completed within 90 days of notification of selection, HUD will not make an award of funds to the applicant, but offer the award to the next eligible applicant. Applicants selected for funding, or awarded funds, must report to HUD changes in status of current agreements covering federal debt. HUD may withhold funding, terminate an award, or seek other remedies from a grantee if a previously agreed-upon payment schedule has not been adhered to or a new agreement with the federal agency to which the debt is owed has not been signed.

b. Pre-Award Accounting System Survey. HUD will not award or disburse funds to any applicant that does not have a financial management system that meets federal standards. HUD may arrange for a pre-award survey of the applicant's financial management system if the recommended applicant has not previously received federal financial assistance, if HUD's Program officials have reason to question whether the applicant's financial management system meets federal financial management standards, or if the applicant is considered a high risk based upon past performance or financial management findings. Please see 24 CFR 84.21 if you are an institution of higher education, hospital, or other nonprofit organization. See 24 CFR 85.20 if you are a state, local government, or federally recognized Indian tribe.

c. No Debarments and/or Suspensions. In accordance with 2 CFR part 2424, no award of federal funds may be made to an applicant that is debarred or suspended, or proposed to be debarred or suspended from doing business with the Federal Government.

d. False Statements. A false statement in an application is grounds for denial or termination of an award and possible punishment, as provided in 18 U.S.C. 1001.

e. Do Not Pay website Review. As part of the Improper Payments Elimination and Recovery Improvement Act (IPERIA) of 2012, in making funding determinations HUD will look up applicant information on the Federal website, www.donotpay.treas.gov. The Do Not Pay website consolidates several federal websites into a single portal. The Do Not Pay Portal is intended to prevent improper payments and can be used by HUD to ensure that applicants that receive funding do not owe funds to the federal government; are not on the Excluded Parties List System (EPLS); the List of Excluded Individuals/Entities List (LEIE); the Social Security Administration (SSA) Death Master File (DMF); or other federal databases that would provide adverse information regarding the applicant. HUD reserves the right to:

(1) Deny funding, or in the case of a renewal or continuing award, consider suspension or termination of an award immediately for cause,

(2) Require the removal of any key individual from association with management or implementation of the award, and

(3) Make appropriate provisions or revisions with respect to the method of payment or financial reporting requirements.

During future implementation phases of IPERIA and the Do Not Pay system, the Department may require use of the system by grantees and sub-grantees with their individual payees. The Department will amend this General Section at that time and provide grantees with further information on their responsibilities under IPERIA. Until such an amendment occurs, grantees and sub-grantees must continue with current procedures to evaluate payees, including utilization of SAM.

f. Conducting Business in Accordance with Ethical Standards/Code of Conduct. Applicants subject to 24 CFR parts 84 or 85 (which cover most nonprofit organizations, educational institutions, and state, local, and Indian tribal governments or government agencies or instrumentalities that receive federal awards) are required to develop and maintain a written code of conduct. Please refer to 24 CFR 84.42 or 85.36(b)(3), as applicable. Consistent with the regulations governing specific programs, the applicant's code of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by the applicant's officers, employees, or agents for their personal benefit in excess of minimal value; and outline administrative and disciplinary actions available to remedy violations of such standards.

Before entering into an agreement with the Department, an applicant receiving funding under a Program NOFA issued in FY 2014 will be required to submit a copy of its code of conduct and describe the methods it will use to ensure that all officers, employees, and agents of its organization are aware of its code of conduct if the applicant is not listed on the [code of conduct website](#) or if the information listed on the website has changed (e.g., the person who submitted the previous application is no longer the authorized organization representative, the organization has changed its legal name or merged with another organization, or the address of the organization has changed). The code of conduct must be dated and signed by the Executive Director, or Chair, or equivalent official, of the governing body of the organization.

g. Prohibition Against Lobbying Activities. Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR part 87, which prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, loan, or cooperative agreement. In addition, applicants must disclose, using Standard Form LLL (SFLLL), "Disclosure of Lobbying Activities," any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts. Federally-recognized Indian tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs

established only under state law shall comply with this requirement. Applicants must submit the SFLLL if they have used or intend to use non-federal funds for lobbying activities.

h. Conflicts of Interest. Consultants and technical experts who assist the Department in rating and ranking applications for funding under published FY 2014 Program NOFAs are subject to 18 U.S.C. 208, the federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2014 Program NOFAs may not serve on a selection panel and may not serve as a technical advisor to the Department. Persons involved in rating and ranking FY 2014 Program NOFA applications, including departmental staff, experts and consultants, must avoid conflicts of interest or the appearance of such conflicts. Persons involved in rating and ranking applications must also disclose to the Department's General Counsel or the Department's Ethics Law Division the following information, if applicable:

(a) How the selection or non-selection of any applicant under a FY 2014 Program NOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208, or

(b) How the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502.

The consultant or technical expert assisting the Department must disclose this information before participating in any matter regarding an FY 2014 program NOFA. If the applicant has questions regarding these provisions or concerning a conflict of interest, please call the Office of General Counsel, Ethics Law Division, at (202) 708-3815 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at 800-877-8339.

IV. APPLICATION AND SUBMISSION INFORMATION

A. Obtaining an Application Package.

1. Electronic Application. An electronic copy of the Application Package and Application Instructions for each NOFA can be downloaded from Grants.gov at www.grants.gov/applicants/apply-for-grants.html. Instructions for downloading, completing, submitting, and tracking grant application packages are available at Grants.gov. Applicants submitting more than one application under a funding opportunity must download and submit a separate application package for each application. Refer to Grants.gov for download information and Adobe software and system compatibility information.

2. Paper Application. An applicant demonstrating good cause including but not limited to a lack of available Internet access in the geographic area in which the applicant's business office is located may request a waiver of the electronic submission requirement. Each Program NOFA will include instructions on how to request a waiver and receive a paper copy of the application materials.

3. Waiver of Electronic Submission Requirements. Applicants seeking a waiver of the electronic submission requirements must request a waiver in accordance with 24 CFR 5.1005. The Program NOFA provides information on to whom and where to submit the request for a waiver. The Department's regulations allow for a waiver of the electronic submission requirements for good cause. If a waiver is granted, the applicable program office's response will include instructions on how many copies of the paper application must be submitted, as well as how and where to submit them.

Applicants that are granted a waiver of the electronic submission requirements will not be afforded additional time to submit their applications. The deadline date for application submission will remain as provided in the Program NOFA. For this reason, if an applicant finds it cannot submit its application electronically and must seek a waiver of the electronic grant submission requirements, it must submit the waiver request to the program office designated in the Program NOFA no later than 15 days before the application deadline. To expedite the receipt and review of such requests, a Program NOFA may allow applicants to email their requests to the program contact listed in the Program NOFA. If the Department does not have sufficient time to process the waiver request, a waiver will not be granted. Paper applications received without a prior approved waiver and/or after the established deadline date will not be considered.

PLEASE NOTE: These instructions are not applicable to Continuum of Care applicants because the Continuum of Care application is submitted through the Department's e-snaps system and not Grants.gov. Continuum of Care applicants will find submission instructions for the e-snaps system via the Continuum of Care NOFA.

B. Content and Form of Application Submission.

1. Electronic Grant Application Forms and Instructions.

Each Program NOFA will identify all of the required forms and other required information for submission. Applicants should thoroughly read and carefully follow the application submission requirements published in each Program NOFA for which they are submitting an application.

a. Application Download. Applicants must download both the Application Instruction and the Application Package from Grants.gov. The Application Package contains the Adobe forms created by Grants.gov. The Application Instruction download contains other forms necessary for a complete application and may include Microsoft Word 2003 (.doc), Microsoft Excel 2003 (.xls) and additional Adobe Portable Document Format (PDF) documents.

To assure you have the correct Application Package and Application Instructions, you must check that the CFDA number, the Opportunity Title, and the Funding Opportunity Number on the first page of your Application Package match those listed in the Overview of the Program

NOFA to which you are applying. Your application will only be considered for the competition indicated on your submission.

b. Submission of Narrative Statements, Third-Party Letters, Certifications, and Program-Specific Forms. In addition to the Department's standard and program-specific forms, a Program NOFA may require the submission of other documentation, such as third-party letters, certifications, or program narrative statements. This section discusses how the applicant should electronically submit additional documentation.

(1) Narrative Statements to the Factors for Award. If the applicant is required to submit a narrative statement, the applicant must submit the narrative in an electronic format to the Department. Acceptable formats are Microsoft Word 2010 (or earlier) (.doc), Microsoft Excel 2010 (or earlier) (.xls), and Adobe portable document format (PDF) that is compatible with Adobe Reader - the latest version available from Grants.gov. If the Department receives a file in an electronic format other than those specified in this section or that is not compatible with the Department's software, the Department will not review the narrative document(s). Electronic documents can be attached to the application package.

(2) Third-Party Letters, Certifications Requiring Signatures, and Other Documentation. An applicant may be required to submit third-party documentation such as letters of commitment establishing matching or leveraged funds, documentation of section 501(c)(3) status or incorporation papers, documents that support the need for the program, memorandums of understanding (MOUs), non-savable PDF forms, or other program-required documentation. If you are required to submit supporting documentation you may either scan and attach these documents to your electronic application package or submit them via fax.

If supporting documents are submitted by fax, you must use the HUD-96011 Fax Transmittal Form located in your Application Package as a cover page. If third parties will submit supporting documents by fax, you must provide them with a copy of the form HUD-96011 that came with your application. If you or any other party submitting documents for this application do not use the form HUD-96011 that came with your application as the fax cover page, the documents cannot be matched to the application. Consequently, these documents will not be considered when the application is evaluated. Send faxes to the toll-free number 1-800-HUD-1010. If you cannot access the toll-free number or experience problems using that number you may use 1-215-825-8798 (this is not a toll-free number). If your fax machine automatically creates a cover page, please turn this feature off before faxing information to the Department. Faxes that cannot be matched to an application will not be considered in the review process.

PLEASE NOTE: The Department will not accept entire applications by fax and will disqualify applications submitted entirely in that manner.

(3) Amending a Validated Application: If you resubmit an application that was previously validated by Grants.gov, all documents faxed in support of the application must be faxed again using the form HUD-96011. You must fax the materials, including materials faxed

by a third party, after the resubmitted application has been validated by Grants.gov. All faxed materials must be received by the applicable deadline.

2. Technical Assistance Resources.

a. Grants.gov Customer Support. Grants.gov provides customer support information on its website at www.grants.gov/contactus/contactus.jsp. Applicants having difficulty accessing the application and instructions or having technical problems can receive customer support from Grants.gov by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to support@grants.gov. The customer support center is open 24 hours a day, seven days per week, except federal holidays. The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at 800-877-8339.

(1) **Registering with Grants.gov.** In order to submit applications electronically through Grants.gov, applicants must register with Grants.gov to provide and obtain certain identifying information, including providing names of authorized individuals and entities within the applicant organization.

(2) **Registration Instructions.** Registration for Grants.gov is a multi-step process. The registration process can take approximately 2 to 4 weeks or longer to complete if there are data issues to be resolved. Applicants that do not have a valid registration will not be able to submit an application through Grants.gov. Complete registration instructions and guidance are provided on the Grants.gov website.

b. The Department's Website. The following information can be found on the Department's website, www.hud.gov:

(1) **NOFA Webcasts.** The Department frequently provides technical assistance and training on its programs announced through its NOFAs. The NOFA webcasts are interactive and allow potential applicants to obtain a better understanding of the threshold, program and application submission requirements for funding. Participation in this training opportunity is free of charge and can be accessed via the Department's website. The NOFA webcast schedule can be found at www.hud.gov/webcasts/index.cfm.

(2) **The Department's Freedom of Information Act (FOIA) Page.** The Department's FOIA website page at portal.hud.gov/hudportal/HUD?src=/Program_offices/administration/foia/highscore summarizes the highest scoring applications from previous grant competitions.

C. Receipt Dates and Times.

1. Application Deadlines and Grace Period Information.

Submit your application to Grants.gov unless you have received a waiver from HUD allowing you to submit your application in paper form.

a. Electronic Application Deadline. The application deadline for receipt of applications via Grants.gov is 11:59:59 p.m. Eastern time on the date identified in the published Program NOFA. As a result, applications must be “Received” by Grants.gov by the deadline in order to meet the Program NOFA deadline. Your application is “received” when Grants.gov provides you a confirmation of receipt and an application tracking number. Applicants are advised that hitting the “sign and submit” button to transmit the application does not mean the application has been successfully uploaded to Grants.gov. Only when the upload is complete is the application date and time stamped by the Grants.gov system. A submission attempt that does not result in confirmation of successful submission and an application tracking number is not received by Grants.gov.

After your application has been received, your application still must be validated by Grants.gov. During this process, your application may be “validated” or “rejected with errors.” To know whether your application was rejected with errors and the reason(s) why, you must login to Grants.gov, select “Applicants” from the top navigation, and select “Track my application” from the dropdown list. If the status is “rejected with errors,” you have the option to correct the error(s) and resubmit your application before the Grace Period ends. **If your application was “rejected with errors” and you do not correct these errors before the grace period ends, HUD will not review your application.** If your status is “validated” your application will be forwarded to HUD by Grants.gov. A complete description of processing steps after submitting an on-time application to Grants.gov may be obtained through the guidance provided on the Grants.gov website.

The Department recommends that applicants submit their applications at least 48 hours before the deadline. A submission attempt less than 48 hours before the deadline may not allow the applicant enough time needed to research the reason for the problem and overcome the difficulty. Similarly, the Department recommends that applicants submit their applications during the Department’s business hours. Submitting an application when the Department is closed or on federal holidays does not enable departmental staff to provide assistance or contact Grants.gov on your behalf.

PLEASE NOTE: The Department may extend the application deadline for any program in the following circumstances:

(1) The Grants.gov system is down and not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period; or

(2) There is a presidentially-declared disaster in the applicant’s area.

In the event of either or both of these events, the Department will publish a notice extending the deadline for the affected applicants.

PLEASE NOTE: Busy servers, slow processing or large file sizes are not valid circumstances to extend the deadline dates or the grace period.

b. Deadline for Submission of Paper Applications. If HUD waives the electronic submission requirement, the notice of waiver will include the submission deadline date and time, and instructions on how many copies of the paper application must be submitted, as well as how and where to submit them.

2. Grace Period. If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of one day beyond the application deadline to submit a corrected application that is received and validated by Grants.gov. The Department will use the date and time stamp on the Grants.gov system to determine dates when the grace period ends. The grace period ends at 11:59:59 p.m. Eastern time one calendar day after the deadline date published in the Program NOFA. Any application submitted during the grace period that does not meet the criteria above will not be considered for funding. Please contact the Grants.gov Customer Support Center for assistance. There is no grace period for paper applications.

3. Late Applications. An application received after the Program NOFA deadline date that does not meet the requirements of the Department's grace period policy will be considered a late application and will not be considered for funding.

The Department will not consider application information submitted by fax that is received by the Department after the published deadline date except as provided in paragraph V.C.2, "Corrections to Deficient Applications." Please take into account the transmission time required for faxing documents related to your application.

D. Funding Restrictions.

The Program NOFA will describe any funding restrictions.

E. Other Submission Requirements.

1. Discrepancies between the Program NOFA posted on Grants.gov Website and Other Documents. The Program NOFA posted at the Grants.gov website is the official document the Department uses to solicit applications. Therefore, if there is a discrepancy between the Program NOFA posted on Grants.gov and other information provided in a paper copy, electronic copy and at or on other websites, the posted Program NOFA located at www.Grants.gov prevails. The Department will also post any corrections to a Program NOFA on the Grants.gov website and alert the public through a Federal Register publication. Applicants are advised to review the application submission against the requirements in the posted Program NOFA. If discrepancies are found, please notify the Department immediately by calling the program contact listed in the Program NOFA, or the Grants Management Division at (202) 708-0667 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at 800-877-8339.

2. Application Certifications and Assurances. An applicant signing the SF424 cover page either through electronic submission or in paper copy submission (for those applicants granted a waiver to submit in paper) affirms that the certifications and assurances associated with the application are material representations of the facts upon which the Department will rely when making an award to the applicant. If it is later determined that the signatory to the application submission knowingly made a false certification or assurance or did not have the authority to make a legally binding commitment for the applicant, the applicant may be subject to criminal prosecution, and the Department may terminate the award to the applicant organization or pursue other available remedies. Please note that each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to federally-recognized Indian Tribes, and those applicable to applicants other than federally-recognized Indian Tribes. All program-specific certifications and assurances are included in the program Instructions Download on Grants.gov. Copies of all certifications and assurances are also available on the Department's Funds Available webpage for the FY 2014 General Section.

V. APPLICATION REVIEW INFORMATION.

A. Criteria.

1. Factors Used to Evaluate and Rate Applications. The points awarded for the rating factors total 100 for each NOFA, and include a maximum of 4 points for applications that advance the Department's NOFA priorities in participating programs. Additionally, up to 2 bonus points may be awarded for activities supporting Preferred Sustainability Status Communities or Promise Zones. (See Factors 5.b and 5.c below.) In all cases an application must receive the minimum fundable score before NOFA priorities points or bonus points are credited.

a. Five Standard Rating Factors for FY 2014 Program NOFAs. The Department has established the following five standard factors for awarding funds under the majority of its FY 2014 Program NOFAs. When providing information to the Department in response to Rating Factor 1, applicants must not include Social Security numbers on any documents submitted to the Department for consideration.

Factor 1: Capacity of the Applicant and Relevant Organizational Staff

Factor 2: Need/Extent of the Problem

Factor 3: Soundness of Approach

Factor 4: Leveraging Resources

Factor 5: Achieving Results and Program Evaluation

Detailed instructions for responding to each of the five rating factors and the maximum points the Department will award for each rating factor are provided in the Program NOFA. Each

Program NOFA will also specify the applicable NOFA priorities. For a specific funding opportunity, the Department may modify these factors to take into account explicit program needs or statutory or regulatory limitations. Applicants must carefully read the factors for award as described in the Program NOFA to which they are responding.

b. Bonus Points. Applicants are advised to review the Program NOFA for which they intend to apply to determine the availability of Preferred Sustainability Status Communities or Promise Zone bonus points. In no case will an applicant receive more than 2 points total, for participation in Preferred Sustainability Status Communities and Promise Zones.

(1) Preferred Sustainability Status Communities Bonus Points. The Department will award 2 bonus points to applicants that are working with communities that have received Preferred Sustainability Status under the Department's Sustainable Communities Regional Planning Grant Program and/or the Department's Challenge Grant Program for FYs 2010 and 2011, and those certified under the Department's Notice of Preferred Sustainability Status Certification, hereafter referred to as the Preferred Sustainability Status Communities.

The applicant's proposed activities must either directly reflect the Livability Principles. ([portal.hud.gov/hudportal/HUD?src=/Program_offices/sustainable_housing_communities/Six Livability Principles](http://portal.hud.gov/hudportal/HUD?src=/Program_offices/sustainable_housing_communities/Six_Livability_Principles)) or result in the delivery of services that are consistent with the goals of the Livability Principles; and the applicant must commit to maintain an on-going relationship with a Preferred Sustainability Status Community for the purposes of being part of the planning and implementation processes in the designated area.

To receive bonus points, an applicant must submit form HUD2995, Certification of Consistency with Sustainable Communities Planning and Implementation, which verifies that the application meets program requirements and supports local PSS grant objectives. The HUD2995 must be signed by the designated Preferred Sustainability Status Community point of contact. Designated PSS Communities Points of Contacts can be found on HUD's website at [portal.hud.gov/hudportal/HUD?src=/program_offices/sustainable_housing_communities/OSHC Preferred Sustainability Status](http://portal.hud.gov/hudportal/HUD?src=/program_offices/sustainable_housing_communities/OSHC_Prefered_Sustainability_Status),

Applicants are advised that the form HUD2995, Certification of Consistency with Sustainable Communities Planning and Implementation form can be found in the Instructions Download portion of the application at Grants.gov.

(2) Promise Zones Bonus Points. As a participant in the Administration's Promise Zone Initiative, HUD is cooperating with the Department of Education, the Department of Justice, and the Department of Agriculture to ensure that federal programs and resources support efforts to turn around 20 of the highest poverty urban, rural and tribal communities across the country.

Applicants that submit a letter from the lead organization of a designated Promise Zone attesting to the contribution that the applicant's proposed activities would make to the local strategy for revitalizing the Promise Zone, and supporting the application will receive 2 bonus points as

described in paragraph V.A.1.b, above. To view the list of designated Promise Zones and lead organizations please go to www.hud.gov/promisezones.

B. Additional Evaluation Criteria.

1. Past Performance. In evaluating applications for funding, the Department will take into account an applicant's past performance in managing funds, including, but not limited to: the ability to account for funds appropriately; the timely use of funds received either from the Department or other federal, state, or local programs; the timely submission and quality of reports submitted to the Department; meeting program requirements; meeting performance targets as established in Logic Models or other performance evaluation tools approved as part of the grant agreement; the timelines for completion of activities and receipt of promised matching or leveraged funds; and the number of persons to be served or targeted for assistance. The Department may consider information available from the Department's records, the name check review, public sources such as newspapers, Inspector General or Government Accountability Office reports or findings, or hotline or other complaints that have been proven to have merit. In evaluating past performance, the Department may elect to deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program NOFAs. Each Program NOFA will specify how past performance will be rated.

2. Evidence-Based Decision-Making. The Department continues to rely on the use of documented evidence in making funding decisions related to its competitive programs. In designing its Program NOFAs and evaluating applications, the Department takes into account the documented evidence-based data available for each program, which may be found through program assessments, independent studies or evaluations related to the comparative effectiveness of different approaches or strategies, or other studies sponsored by the Department's Office of Policy Development and Research and other entities. The Department will give funding priority to those who demonstrate effective use of evidence in identifying or selecting the practices, strategies or programs proposed in the application, where practicable. All grantees must agree to cooperate in Department-funded research and evaluation studies.

3. Integrity. The Department will also take into account in its evaluation information concerning the integrity of the applicant as reflected in government-wide websites, information in the Department's files the newly created Do Not Pay database, public information and information received during the Department's Name Check Review process. If this integrity evaluation results in an adverse finding, the Department reserves the right to take any of the remedies provided in Section III.C.2.g, Name Check Review.

4. Environmental Justice. The Department may take into account considerations for environmental justice in evaluating applications. Under Executive Order 12898, each federal agency is directed to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. (See www.epa.gov/fedrgstr/eo/eo12898.pdf.)

C. Reviews and Selection Process.

1. Threshold Compliance. Only applications that meet all threshold requirements established in a Program NOFA will be eligible to receive an award of funds from the Department.

2. Corrections to Deficient Applications. Except as provided by the electronic submission grace period described in this notice, the Department may not consider any unsolicited information that an applicant may want to provide after the application deadline. Please refer to 24 CFR part 4, subpart B. Specifically, the Department may not seek clarification of items or responses that improve the substantive quality of an applicant's response to any rating factors or which correct deficiencies which are in whole or part of a rating factor, including items that impact bonus points. The Department may contact the applicant to clarify other items in its application. In order not to unreasonably exclude applications from being rated and ranked in situations where there are curable deficiencies, the Department will notify the applicant of each technical deficiency and will do so on a uniform basis for all applicants.

The Department will treat paper applications with the wrong DUNS number as a technical deficiency and the applicant will be able to provide a corrected SF424 to the location indicated in the electronic application submission waiver approval within the specified cure period and in accordance with the notification of the need to cure the application. Failure to correct the deficiency and meet the requirement to have a DUNS number and active registration in SAM will render the application ineligible for funding.

If the Department finds a curable deficiency in an application, the Department will notify the applicant in writing describing the clarification or technical deficiency. The Department will notify applicants in two ways. Initially, the Department will send an email to the person designated in item 8 of the SF424 submitted with the application and to the person listed in item 21 of the SF424 as authorized representative. Both email notifications will be sent from the Department with confirmation of delivery receipt. The email notifications will be the official notification of the need to cure a technical deficiency. As a courtesy, the Department will also send a fax copy of the email notification to the fax numbers identified for these individuals on the SF424. The fax notification is a courtesy copy only. It is the responsibility of the applicant to provide the Department with accurate email addresses and fax numbers for receipt of these notifications. The Department is not responsible for correcting an email address or fax number that was not entered into the SF424 correctly. Applicants are responsible for monitoring their email accounts and fax depositories to determine whether a cure letter has been received and for notifying appropriate staff of the receipt of the fax promptly.

Clarifications or corrections of technical deficiencies in accordance with the information provided by the Department in the email notification of a technical deficiency must be received by the Department within 14 calendar days of the date of the email notification. The Department will use as the start of the cure period the date stamp on the email the Department sends to the applicant. If the deficiency cure deadline date falls on a Saturday, Sunday, federal holiday, or other day when the Department's Headquarters offices in Washington, DC, are closed, then the applicant's correction must be received by the Department on the next day that is not a Saturday,

Sunday, or federal holiday, or other day when the Department's Headquarters offices in Washington, DC, are closed.

In the case where an applicant submitted an electronic application to Grants.gov, any clarifications or cure items must be submitted electronically by the applicant using the fax telephone number and form HUD96011 contained in the last application package submitted to the Department. The additional information provided by fax will be matched to the electronic application in the Department's files. When submitting technical deficiency cure items, the applicant must place in the box labeled "Name of Document Submitting" in form HUD96011 the following information: "Technical Cure" plus the name of the document, unless the name of the document is long and you need space to fit the document name, in which case, the applicant must label the Technical Cure as "TC" plus the document name. When submitting a fax, applicants must follow the fax requirements found elsewhere in this notice. If the fax transmittal form from the last application submitted is not used as the cover page to the applicant's response transmitted to the Department in accordance with these directions, the Department will not be able to match the response to the application under review.

In order to meet statutory deadlines for the obligation of funds or for timely completion of the review process, a Program NOFA may reduce the number of days provided for receipt of a response to a departmental request for clarification or correction to a technical deficiency. Applicants must carefully read this notice and each Program NOFA for any additional information and instructions. The time frame for responding to the technical deficiency notification sent by a program office shall be consistent with the time frame for corrections of technical deficiencies noted in the Program NOFA. The applicant must carefully review the request for cure of a technical deficiency and the applicant's response to a Department notification of a curable deficiency must be provided in accordance with the instructions in the Department deficiency notification.

3. Rating Panels. To review and rate applications, the Department will establish panels. Rating panels may include persons not employed by the Department in addition to HUD employees. The Department may include these non-employees to obtain particular expertise and outside points of view, such as views from other federal agencies. Persons brought in to review applications are subject to conflict-of-interest provisions. In addition, reviewers using the Department's information technology (IT) systems may be subject to an IT security check.

4. Rating. The Department will evaluate and rate all applications for funding that meet the threshold requirements of the General Section and the applicable Program NOFA.

5. Ranking. The Department will rank applicants within each program. The Department will rank applicants against only those applicants applying for the same program funding. Where there are set-asides within a program competition, the applicant will compete against only those applicants in the same set-aside competition.

6. Selection for Funding. The Department will select for funding only from among applicants whose applications receive or exceed the minimum fundable score.

D. Anticipated Announcement and Award Dates.

The Program NOFA will provide the applicable information regarding this subject.

VI. AWARD ADMINISTRATION INFORMATION.

A. Award Notices.

1. Negotiation. After the Department has rated and ranked all applications and made selections, the Department may require that a selected applicant participate in negotiations to determine the specific terms of the funding agreement and budget. In cases where the Department cannot successfully conclude negotiations with a selected applicant, or a selected applicant fails to provide the Department with requested information, an award will not be made to that applicant. In such an instance, the Department may offer an award to, and proceed with negotiations with, the next highest-ranking applicant.

2. Adjustments to Funding. To ensure the fair distribution of funds and enable the purposes or requirements of a specific program to be met, the Department reserves the right to fund less than the full amount requested in an application.

a. The Department will not fund any portion of an application that:

- (1) Is not eligible for funding under applicable statutory or regulatory requirements;
- (2) Does not meet the requirements of this notice; or

(3) Is duplicative of other funded programs or activities from prior year awards or other selected applicants. Only the eligible portions of an application (excluding duplicative portions) may be funded.

b. If funds are available after funding the highest-ranking application, the Department may fund all or part of the next highest-ranking fundable application. If an applicant turns down an award offer, or if the Department and the applicant do not successfully complete grant negotiations for whatever reason, the Department will make an offer of funding to the next highest-ranking application.

c. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held over for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. If, subsequent to announcement of awards made under the FY 2014 NOFA, additional funds become available either through the FY 2014 appropriations, a supplemental appropriation or recapture of funds during FY 2014, the Department reserves the right to use the additional funding to provide additional funding to an FY 2014 applicant that was denied the requested

amount of funds due to insufficient funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

e. A Program NOFA may have other requirements. Please review the Program NOFA carefully.

3. Funding Errors. In the event the Department commits an error that when corrected would result in selection of an applicant during the funding round of a Program NOFA, the Department may select that applicant for funding, subject to the availability of funds.

4. Performance and Compliance Actions of Funding Recipients. An evaluation process will be part of the Department's ongoing management of each Department-funded award. Applicants are, by this sentence, made aware that the Department will expect grantees to fulfill performance promises made as part of their application. The Department will measure and address the performance and compliance actions of grantees in accordance with the applicable standards and sanctions of the respective program.

5. Debriefing. For a period of at least 120 days, beginning 30 days after the awards for a Program NOFA are publicly announced, the Department will provide to a requesting applicant a debriefing related to its application. A request for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF424 or by his or her successor in office, and be submitted to the person or organization identified as the contact under the section entitled Agency Contact(s) in the Program NOFA. Information provided during a debriefing will include, at a minimum, the final score the applicant 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.

B. Administrative and National Policy Requirements.

1. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)." Executive Order 13166 seeks to improve access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency. Applicants obtaining federal financial assistance from the Department shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, the Department published *Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). For assistance and information regarding LEP obligations, go to www.justice.gov/crt/lep/guidance/HUD_guidance_Jan07.pdf. For more information on LEP, please visit www.hud.gov/offices/fheo/promotingfh/lep.cfm.

2. Economic Opportunities for Low- and Very Low-income Persons (Section 3). Certain programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the Department's

regulations at 24 CFR part 135. Applicants are advised to carefully review the Program NOFA to determine if Section 3 applies to the program for which you are seeking funding.

To comply with Section 3, recipients of covered HUD financial assistance must ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities will be directed to low- and very low-income persons that reside in the area in which the project is located, particularly those who are recipients of government assistance for housing, and to businesses that substantially employ those persons. Additional information on the requirements can be found at www.hud.gov/offices/fheo/section3/section3.cfm.

3. Ensuring the Participation of Small Disadvantaged Businesses, and Women-Owned Businesses. The Department is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in the Department's direct contracting and in contracting opportunities generated by the Department's financial assistance. Too often, these businesses still experience difficulty accessing information and successfully bidding on federal contracts. State, local, and Indian tribal governments are required by 24 CFR 85.36(e) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women-owned business enterprises, and labor surplus area firms are used whenever possible or as specified in the Program NOFAs. Nonprofit recipients of assistance (grantees and subgrantees) are required by 24 CFR 84.44(b) to make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible.

4. Accessible Technology. Section 508 of the Rehabilitation Act (Section 508) requires the Department to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allow persons with disabilities to access and use information and data on a comparable basis as is made available to and used by persons without disabilities. Section 508 covers, but is not limited to, computers (hardware, software, word processing, email, and Internet sites), fax machines, copiers and telephones. Among other things, Section 508 requires that EIT allow individuals with disabilities who are federal employees or members of the public seeking information or services to have access to and use of information and data on a comparable basis as that made available to employees and members of the public without disabilities unless an undue burden would result to the federal department or agency. Where an undue burden exists to the federal department or agency, alternative means may be used to allow an individual with disabilities use of the information and data. Section 508 does not require that information services be provided at any location other than a location at which the information services are generally provided. The Department encourages its funding recipients to adopt the goals and objectives of Section 508 by ensuring, whenever EIT is used, that persons with disabilities have access to and use of the information and data made available through the EIT on a basis comparable as is made available to and used by persons without disabilities. This does not affect recipients' required compliance with Section 504 of the Rehabilitation Act and, where applicable, the Americans with Disabilities Act. Applicants and recipients seeking further information on accessible technology are directed to www.section508.gov.

5. Equal Access to HUD-assisted or HUD-insured Housing. The Department is committed to ensuring that its programs are open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status. HUD funding recipients and subrecipients must comply with 24 CFR 5.105(a)(2) in connection with determining eligibility for housing assisted with HUD funds or subject to an FHA-insured mortgage, and in connection with making such housing available. This includes making eligibility determinations and making housing available regardless of actual or perceived sexual orientation, gender identity, or marital status, and prohibiting inquiries about sexual orientation or gender identity for the purpose of making eligibility determinations or making housing available. Applicants are encouraged to become familiar with these requirements, HUD's definitions of sexual orientation and gender identity at 24 CFR 5.100, clarifications to HUD's definition of family at 24 CFR 5.403, and other regulatory changes made through HUD's Equal Access Rule, published in the Federal Register at 77 FR 5662 (Feb. 3, 2012).

6. Executive Order 13279, "Equal Protection of the Laws for Faith-based and Community Organizations," and Executive Order 13559, "Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Partnerships." Faith-based organizations are eligible to participate in the Department's programs and activities on the same basis as any other organization. HUD's regulation on the equal participation of faith-based organizations, consistent with Executive Order 13279, is at 24 CFR 5.109. Additionally, several HUD programs, particularly programs administered by the Office of Community Planning and Development, are subject to program-specific rules. The rule at 24 CFR 5.109 provides, among other things, that religious organizations may not engage in inherently religious activities as part of a HUD-funded program or activity; a religious organization that participates in a HUD-funded program or activity may retain its independence and continue to carry out its mission; and an organization that receives direct federal funds from the Department is not permitted to discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief in providing program assistance. Executive Order 13559 amended Executive Order 13279 to require additional protections for program beneficiaries. HUD is currently participating in an Interagency Working Group that will develop a plan for implementation of the new provisions and intends to await final issuance of that plan before making changes, if any, to 24 CFR 5.109. However, some program-specific rules have been amended to reflect the new provisions of E.O. 13559. Recipients and subrecipients of funds subject to those amended rules must comply with the new regulatory provisions.

7. Real Property Acquisition and Relocation. Except as otherwise provided by federal statute, HUD-assisted programs or projects are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA) (42 U.S.C. 4601-4655), and the government-wide implementing regulations issued by the Federal Highway Administration at 49 CFR part 24. The Uniform Act applies to acquisitions of real property and displacements resulting from the acquisition, rehabilitation, or demolition of real property for Federal or federally-assisted programs or projects. With certain limited exceptions, real property acquisitions for a HUD-assisted program or project must comply with 49 CFR part 24, subpart B.

To be exempt from the URA's acquisition requirements, real property acquisitions conducted without the threat or use of eminent domain, commonly referred to as "voluntary acquisitions," must satisfy the applicable requirements of 49 CFR 24.101(b)(1) through (5). Records demonstrating compliance with these requirements must be maintained by the recipient. The URA's relocation requirements remain applicable to any tenant who is displaced by an acquisition that meets the requirements of 49 CFR 24.101(b) (1) through (5).

The relocation requirements of the Uniform Act, and its implementing regulations at 49 CFR part 24, cover any person who moves permanently from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD assistance. While there are no URA statutory provisions for "temporary relocation", the URA regulations recognize that there are circumstances where a person will not be permanently displaced but may need to be moved from a project for a short period of time. Appendix A of the URA regulation (49 CFR 24.2(a)(9)(ii)(D)) explains that any tenant who has been temporarily relocated for a period beyond one year must be contacted by the displacing agency and offered URA relocation assistance. Some HUD program regulations provide additional protections for temporarily relocated tenants. Before planning their project, applicants should review the regulations for the programs for which they are applying. Generally, the URA does not apply to displacements resulting from the demolition or disposition of public housing covered by Section 18 of the United States Housing Act of 1937. Individual Program NOFAs may have additional relocation guidance and requirements.

Additional resources and guidance pertaining to real property acquisition and relocation for HUD-funded programs and projects are available on HUD's Real Estate Acquisition and Relocation website at www.hud.gov/relocation. You will find applicable laws and regulations, policy and guidance, publications, training resources, and a listing of HUD contacts if you have questions or need assistance.

8. Procurement of Recovered Materials. State agencies and agencies of a political subdivision of a state that are using assistance under a Program NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act. In accordance with Section 6002, these agencies and persons must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. Please refer to www.epa.gov/osw/consERVE/tools/cpg/pdf/rcra-6002.pdf for complete text and requirements of Section 6002.

9. Participation in a HUD-Sponsored Program Evaluation. As a condition of the receipt of financial assistance under a Program NOFA, all successful applicants will be required to

cooperate with all Department staff, contractors, or designated grantees performing Department-funded research or evaluation studies.

10. Environmental Requirements. Recipients and participants, including public or private nonprofit or for-profit entities, or any of their contractors, under a HUD-funded program that assists in physical development activities or property acquisition are generally prohibited from acquiring, rehabilitating, converting, demolishing, leasing, repairing, or constructing property, or committing or expending HUD or other funds for these types of program activities, until one of the following has occurred:

- a. The Department has completed an environmental review in accordance with 24 CFR part 50; or
- b. For programs subject to 24 CFR part 58, the Department has approved a recipient's Request for Release of Funds (form HUD7015.15) following a responsible entity's completion of an environmental review. The applicant must consult the Program NOFA to determine the procedures for, timing of, and any modifications or exclusions from environmental review under a particular program.

11. OMB Administrative Requirements and Cost Principles. The following OMB Circulars apply to the awards under the Program NOFAs and are based on the type of grantee. The requirements of the applicable Circular may be modified by a Program NOFA. Particular attention should be given to the provisions concerning the use of federal funds for matching requirements.

Certain OMB Circulars found in title 2 CFR and the Department's implementing regulations at 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments) may apply to the award, except when inconsistent with the provisions of applicable federal statutes or regulations, the provisions of this notice or as may be modified by a Program NOFA.

- a. OMB Circular A-102 (24 CFR part 85) (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
- b. OMB Circular A-110 (24 CFR part 84) (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations).
- c. OMB Circular A-87 (2 CFR part 225) (Cost Principles for State, Local, and Indian Tribal Governments).
- d. OMB Circular A-21 (2 CFR part 220) (Cost Principles for Education Institutions).

- e. OMB Circular A-122 (2 CFR part 230) (Cost Principles for Non-Profit Organizations).
- f. OMB Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations).

Electronic copies of the OMB circulars are located at www.whitehouse.gov/omb/circulars_default. Printed copies may also be obtained from the Executive Office of the President Publications, New Executive Office Building, Room 2200, Washington, DC 20503; telephone number (202) 395-3080 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number by dialing (800) 877-8339 (toll-free TTY Federal Relay Service).

12. Drug-Free Workplace. Applicants awarded funds from the Department are subject to 2 CFR part 2429, which implements the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, *et seq.*), as amended, and required to provide a drug-free workplace. Compliance with this requirement means that the applicant will:

- a. Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.
- b. Establish an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The applicant's policy of maintaining a drug-free workplace;
 - (3) Available drug counseling, rehabilitation, or employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c. Notify the Department and other federal agencies providing funding in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification must be provided in writing to the Department's Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington DC 20410-3000, along with the following information:
 - (1) The program title and award number for each departmental award covered;

- (2) The Department's staff contact name, telephone and fax numbers;
- (3) A grantee contact name, telephone and fax numbers; and
- (4) The convicted employee's position and title.

d. Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (a) above and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:

- (1) Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or
- (2) Imposition of a requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

e. Identify to the agency making the award all known workplaces under the award. The workplace identification must include the actual address of buildings or other sites where work under the award will take place. The applicant must also inform the agency of any workplace changes during the performance of the award. The identification of the workplaces must occur either:

- (1) At the time of application or upon award; or
- (2) In documents the applicant keeps on file in its offices during performance of the award, in which case the applicant must make the information available for inspection upon request by the agency.

13. Safeguarding Resident/Client Files. In maintaining resident and client files, funding recipients shall comply with the Privacy Act of 1974 (Privacy Act), the agency rules and regulations issued under the Privacy Act, and observe state and local laws concerning the disclosure of records that pertain to individuals. Further, recipients are required to comply with the Privacy Act in the design, development, or operation of any system of records on individuals and take reasonable measures to ensure that resident and client files are safeguarded, including when reviewing, printing, or copying client files.

14. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended. Prime Grant Awardee Reporting. Prime recipients of the Department's financial assistance are required to report certain subawards in the Federal Funding Accountability and Transparency Act Subaward System (FSRS) website located at www.fsr.gov or its successor system for all prime awards listed on the FSRS website. Starting with awards made October 1, 2010, prime financial assistance awardees receiving funds

directly from the Department were required to report subawards and executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to vendors, if the initial prime grant award is \$25,000 or greater, or the cumulative prime grant award will be \$25,000 or greater if funded incrementally as directed by HUD in accordance with OMB guidance; and the subaward is \$25,000 or greater, or the cumulative subaward will be \$25,000 or greater. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the SAM system, the prime recipient is not required to report this information. The reporting of award and subaward information is in accordance with the requirements of the Transparency Act, as amended by section 6202 of Public Law 110-252, and OMB Guidance issued to the Federal agencies on September 14, 2010 (75 FR 55669) and in OMB Policy guidance. Please refer to www.fsrs.gov for complete information on requirements under the Transparency Act and OMB guidance.

15. Compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), (Section 872). Section 872 requires the establishment of a government-wide data system – the Federal Awardee Performance and Integrity Information System - to contain information related to the integrity and performance of entities awarded federal financial assistance federal officials will make use of this information in making awards. OMB is in the process of issuing regulations regarding federal agency implementation of Section 872 requirements. A technical correction to this General Section may be issued when such regulations are promulgated.

16. Eminent Domain. Section 409 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (Pub. L. 112-55, Div. C, Title II), prohibits the use of funds to support any federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Section 409 provides that public use shall not be construed to include economic development that primarily benefits private entities. Use of funds for mass transit, railroad, airport, seaport, or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118), shall be considered a public use for purposes of Section 409. Applicants for FY 2014 assistance under the programs governed by this General Section may be subject to this restriction if it is incorporated in the Department's FY 2014 appropriation. The Department will publish a notice indicating if this provision applies subsequent to the passage of the Department's FY 2014 appropriation.

C. Reporting.

1. Reporting Requirements and Frequency of Reporting. The Program NOFA will specify the reporting requirements, including content and method of data collection, as well as the

frequency for reporting to the Department. The Department will require grantees to submit performance reports in accordance with federal OMB guidance and the instructions for the program.

2. Race and Ethnicity Data Reporting Form. The Department requires grantees that provide Department-funded program benefits to individuals or families to report data on the race and ethnicity of those individuals receiving such benefits. Grantees that provide benefits to individuals during the period of performance, whether directly through subrecipients or contractors, must report the data using the Race and Ethnic Data Reporting Form found on Grants.gov. The form is a data collection based on the standards published by OMB on August 13, 2002. The Program NOFA will identify applicable reporting requirements related to each program.

VII. AGENCY CONTACT(S).

Questions regarding this notice are to be directed to the Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington, DC 20410-3000, telephone number (202) 708-0667. This is not a toll-free number. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877-8339.

VIII. OTHER INFORMATION.

A. Paperwork Reduction Act Statement.

The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). In accordance with the Paperwork Reduction Act, the Department may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. Each Program NOFA will identify its applicable OMB control number.

B. Environmental Impact.

A Finding of No Significant Impact (FONSI) with respect to the environment for this notice is available for public inspection on the Department's Funds Available page for the Notice of FY 2014 NOFA Policy Requirements and General Section to the Department's FY 2014 NOFAs for Discretionary Programs at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail .

The posting of the FONSI to the Department's website is part of the Department's Open Government efforts to make it easier for the public to access information.

C. Executive Orders and Congressional Intent.

Executive Order 13132 prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on state and local governments and are not required by statute, or preempt state

law, unless the relevant requirements of Section 6 of the executive order are met. This notice does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the executive order.

D. Section 102 of the HUD Reform Act.

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) (42 U.S.C. 3545) and the regulations codified at 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by the Department. On January 14, 1992, the Department published a notice that also provides information on the implementation of Section 102 (57 FR 1942). The documentation, public access, and disclosure requirements of Section 102 apply to assistance awarded under NOFAs published as described below.

1. Documentation, Public Access, and Disclosure Requirements. The Department will ensure that documentation and other information regarding each application submitted pursuant to a FY 2014 NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the FOIA and the Department's implementing regulations at 24 CFR part 15.

2. Form HUD2880, "Applicant/Recipient Disclosure/Update Report" on Grants.gov. The Department will also make available to the public for a period of 5 years all applicant disclosure reports (form HUD 2880) submitted in connection with a FY 2014 NOFA. Updated reports (also reported on form HUD 2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than 3 years. All reports will be made available in accordance with the FOIA and the Department's implementing regulations. The Department has also developed an instructional webcast on this form for applicants/grantees. The webcast is found at media.gss.hud.gov:8080/WC/2011/02/11/HUDForm2880.wmv.

3. Publication of Recipients of Funding. The Department's regulations at 24 CFR part 4 provide that the Department will publish a notice in the Federal Register to notify the public of all funding decisions made by the Department to provide:

- a. Assistance subject to Section 102(a) of the HUD Reform Act; and
- b. Assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) noncompetitive basis.

E. Section 103 of the HUD Reform Act.

Section 103 of the HUD Reform Act, codified at 24 CFR part 4, subpart B, applies to this funding competition until the announcement of selection of successful applicants. The Department's employees involved in the review of applications and in the making of funding decisions are prohibited by the regulations from providing advance information to any person (other than an authorized employee of the Department) concerning funding decisions or from

otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance should confine their inquiries to the subject areas the Department's employees are permitted to answer under 24 CFR part 4.

Applicants who have ethics-related questions should contact the Department's Ethics Law Division at (202) 708-3815 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at (800) 877-8339.

APPENDIX A

<p>Applicability</p>	<p>CRITERIA FOR “PROMOTE HEALTH AND HOUSING STABILITY OF VULNERABLE POPULATIONS”</p> <ul style="list-style-type: none"> • <i>Health Care Assessment and Assistance</i> • <i>Targeting High-Need Clients for Health Services</i> • <i>Partnerships with health care organizations</i>
<p>ALL TYPES AND AS SPECIFIED IN INDIVIDUAL PROGRAM NOFA</p>	<p>Applicants may receive one point for demonstrating any one of the following, with a maximum of two points awarded for this priority overall. To receive the points for this priority, applicants will be expected to identify the target population(s) to be served, the baseline from which improvements are to be measured, the anticipated outcome, and the related measurements to be used to gauge the positive change. During the course of the award, the grantee will be expected to report progress in meeting the expected goals.</p> <p>A. Health Care Assessment and Assistance (1 point): Demonstrated processes in place to assess the health insurance status of people who are touched by the relevant HUD housing-related program, and for those who can benefit from Medicaid expansion or subsidized health insurance, to direct them to the online health insurance marketplace, HHS’ toll-free number, or local health insurance navigators; To receive the points for this NOFA priority, applicants will be expected to identify the target population(s) to be served, the baseline from which improvements are to be measured, the anticipated outcome, and the related measurements to be used to gauge the positive change.</p> <p>B. Targeting High-Need Clients (1 point): Demonstrated processes in place to target and prioritize the most vulnerable people or people who are high utilizers of health and human services systems.</p> <p>C. Partnerships with Health Care Organizations (1 point): Provide evidence of partnerships with community health centers or other health care providers to assess health care needs and connect people to care and health-related supports; Applicants must submit letters, partnership agreements or memoranda of understanding from partnership organizations evidencing specific roles, responsibilities and commitments addressing improved coordination and information sharing. Such partner documents should be submitted on the partner organization’s letterhead and be signed by an official who is able to make commitments on the part of the organization by individuals authorized to obligate the organization(s) submitting them.</p> <p>In addition, applicants will be asked to identify measures of success for selected strategies, such as, but not limited to, the following outputs:</p> <p>(1) Health insurance enrollments: Identify increases in the number of assisted individuals with health insurance.</p> <p>(2) Health services: For on-site health services and programs, increases in the number of visits or participation rates in programs.</p>

Applicability	CRITERIA FOR “PROMOTE ECONOMIC DEVELOPMENT AND ECONOMIC RESILIENCE” <ul style="list-style-type: none"> • <i>Create Jobs for low-income residents</i> • <i>Proximity to Amenities/Reducing Transportation Costs</i>
CAPITAL INVESTMENT, PLANNING, AND RESEARCH NOFAS OR AS SPECIFIED IN INDIVIDUAL PROGRAM NOFA	<p>Applicants may receive one point for demonstrating one of the following, with a maximum of two points awarded for this priority overall.</p> <p>A. Community Economic Development (1 point): To receive 1 point under this objective, applicants must show how their proposed grant activities will build infrastructure within the target community to support 1) job creation for low income people; 2) business opportunities for small and/or disadvantaged businesses; and/or 3) create a flow of investment of private or other public capital into a) small and disadvantaged businesses or b) nonprofit activities serving low income people; and/or 4) any combination of the above. Applicants must provide substantive description of each activity and specific, measureable targets of economic development impact, with a narrative supporting the estimate. For programs already subject to the requirements of Section 3 (see paragraph VI.B.2) applicants must clearly explain how the proposed activities exceed the requirements of Section 3 to “ensure that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons.” (24 CFR 135.1)</p> <p>B. Reducing Transportation Costs / Proximity to Amenities/ (1 point): To receive 1 point under this objective, applicants must demonstrate that proposed activities will be conducted and projects sited at locations that will help households reduce their transportation costs. Applicants should demonstrate this through evidence that such sites are within easy walking distance of other important services and amenities such as grocery stores, social services, cultural facilities, parks, recreation and other amenities and/or served by conveniently located public transportation with frequent service. Applicants must provide evidence that the proposed activities meet the following criterion:</p> <p>Sites located in metropolitan areas (per 42 U.S.C. § 5302(a)(3)) must be within one-half mile of amenities that are appropriate to the served population. Nonmetropolitan sites must be within one mile of amenities that are appropriate to the served population. Applicants must provide a map identifying the applicable amenities. Points will be awarded to project sites within easy walking distance of at least 2 of the following categories of amenities:</p>

	<p>a. Grocery Store such as a supermarket or other store that sells produce and meat products;</p> <p>b. Social Services Facilities such as a licensed adult or senior care, hospital, medical clinic or social service organization that offers services to residents;</p> <p>c. Neighborhood-serving Amenities such as an apparel store, convenience store, pharmacy, bank, hair care, dry cleaner, or restaurant;</p> <p>d. Recreational Facilities such as a community or senior center, gym, health club, or entertainment venue; and</p> <p>e. Civic Facilities such as a government office that serves the public on-site, an educational facility providing adult education classes, place of worship, police or fire station, post office, public library, or public park.</p> <p>f. Educational Facilities such as primary and secondary schools, community colleges, and universities.</p> <p>Alternatively, applicants may also receive this point by demonstrating through publicly-available information that the proposed site is served by reliable and accessible public transportation through door-to-door shuttle/van service and/or a transit stop(s) within one-half mile which provides access to at least 2 of the above listed amenities.</p>
<p>COUNSELING AND SERVICE COORDINATION NOFAS OR AS SPECIFIED IN INDIVIDUAL PROGRAM NOFA</p>	<p>Applicants may receive one point for demonstrating any one of the following, with a maximum of two points awarded for this priority overall.</p> <p>A. Job Readiness for Low-income Residents. To receive 1 point for this objective, applicants must provide evidence of a curriculum and services plan designed to increase beneficiaries' job-readiness, and link participants with employers. Renewal or returning applicants must provide evidence of positive program outcomes, e.g., participants who got a job or improved their employment status (increased income or benefits).</p> <p>B. Reducing Transportation Costs / Tailored Services Plan and Curriculum. To receive 1 point for this objective, applicants must provide evidence of a site-specific services plan with a supporting site-specific curriculum designed to help clients consider transportation costs and access to amenities as part of housing and employment location decisions. (For either document, if it is publicly accessible on the Web, provide just the Web address rather than attaching it.) Applicants must identify the baseline from which improvements are to be measured, and measurements to be used to gauge the improvements. Renewal or returning applicants must provide evidence of outcome improvements</p>

from their previous program, e.g., the percentage of participants who show transportation costs reduced from the baseline of that program.

C. Proximity to Amenities/Reducing Transportation Costs. To receive 1 point for this objective, applicants must provide evidence that HUD-funded counseling or services are provided are within easy walking distance of other important services and amenities such as grocery stores, social services, cultural facilities, parks, recreation and other amenities and/or served by conveniently located public transportation with frequent service. Sites located in metropolitan areas (per 42 U.S.C. § 5302(a)(3)) must be within one-half mile of amenities that are appropriate to the served population. Nonmetropolitan sites must be within one mile of amenities that are appropriate to the served population. Applicants must provide a map identifying the applicable amenities. Points will be awarded to project sites within easy walking distance of at least 2 of the following categories of amenities:

- a. Grocery Store such as a supermarket or other store that sells produce and meat products;
- b. Social Services Facilities such as a licensed adult or senior care, hospital, medical clinic or social service organization that offers services to residents;
- c. Neighborhood-serving Amenities such as an apparel store, convenience store, pharmacy, bank, hair care, dry cleaner, or restaurant;
- d. Recreational Facilities such as a community or senior center, gym, health club, or entertainment venue; and
- e. Civic Facilities such as a government office that serves the public on-site, an educational facility providing adult education classes, place of worship, police or fire station, post office, public library, or public park.
- f. Educational Facilities such as primary and secondary schools, community colleges, and universities.

Applicability	<p>CRITERIA FOR “AFFIRMATIVELY FURTHERING FAIR HOUSING”</p> <ul style="list-style-type: none"> • <i>Provide Housing for range of incomes/family sizes</i> • <i>Provide Mobility Counseling</i> • <i>Follow Location criteria (build affordable housing in non-minority or non-poverty concentrated areas)</i> • <i>Train Staff</i> • <i>Provide outreach to marginalized populations</i> • <i>Partnerships with Fair Housing Organizations, Allied State and local agencies, or community-based organizations representative of populations affected by HUD projects.</i>
CAPITAL INVESTMENT	<p>Applicants may receive one point for demonstrating any one of the following, with a maximum of 2 points awarded for this priority overall.</p> <p>A. Rehabilitation or Redevelopment: (a) Applicants may earn 1 point for demonstrating that the rehabilitated or redeveloped project will include housing for a range of incomes and a range of family sizes that is proportional to the regional need, based on Census data and other generally accepted data sources. Applicants must include the specific plans for such housing, including the total number of units affordable for each income group, by bedroom size; and,</p> <p>(a) Applicants may earn 1 point by presenting a plan for providing mobility counseling to each family that will be permanently displaced (i.e., relocation of more than 1 year) by the redevelopment/rehabilitation activities, and, for each such family, identifying at least one option for comparable housing opportunity that is located in an area that is not minority-concentrated or poverty-concentrated and has access to community assets, such as public transportation, employment opportunities, and, education.</p> <p>B. New Construction: Applicants may earn 2 points for demonstrating that the new affordable housing construction is located in a high opportunity area that is or will be served by public transportation that is not also in an area of minority concentration or poverty concentration. For the purpose of this requirement, an area of minority concentration is defined as a Census tract or other defined geographic area in which the percentage of residents who are racial or ethnic minorities is at least 20 percentage points higher than the percentage of minority residents in the metropolitan statistical area (MSA) (or jurisdiction not in a MSA) as a whole. In MSAs (or jurisdictions not in MSAs) in which the majority of residents are racial or ethnic minorities, HUD will consider and rely on all relevant information to determine whether the neighborhood proposed for replacement housing will lead to the creation of more inclusive and integrated housing in opportunity-rich neighborhoods. For the purpose of this requirement, an area of poverty concentration is defined as census tract where the poverty rate is greater than 20 percent; and, by demonstrating that the newly-constructed project will include housing in a range of</p>

	family sizes that is proportional to the regional need, based on Census data and other generally accepted data sources.
PLANNING NOFA	<p>Applicants may receive one point for demonstrating any one of the following, with a maximum of 2 points awarded for this priority overall.</p> <p>A. Addressing Impediments to Fair Housing (1 point): Applicants may earn 1 point by demonstrating that a primary goal of its planning activities will be addressing one or more impediments that contribute to patterns of residential segregations as identified in the jurisdiction's or region's Analysis of Impediments of Fair Housing Choice; and,</p> <p>B. Participative Planning and Implementation (1 point): Applicants may earn 1 NOFA priority point by identifying the steps that the applicant will take that will ensure that traditionally marginalized populations (such as racial and ethnic minorities and persons with disabilities) will be able to meaningfully participate in the planning process. To earn this point, the applicant must identify the specific populations that it will include, identify community organizations that represent these populations, and describe how these populations will be included in the planning process. For capital investment projects, grantees should commit to and demonstrate plans to employ low-income and very low-income persons and/or utilize Section 3 businesses at levels beyond those required by Section 3.</p>
COUNSELING NOFA	<p>Applicants may receive one point for demonstrating any one of the following, with a maximum of 2 points awarded for this priority overall.</p> <p>A. Staff Training (1 point): Applicants may earn 1 point by demonstrating that they will train their staff on fair housing and civil rights laws, that they have a method of providing their clients with information about their fair housing rights, and that they have established a mechanism for referring potential fair housing violations to HUD, state or local fair housing agencies, or private fair housing groups. For example, an applicant may meet this requirement by demonstrating that it has entered into a memorandum of understanding with a fair housing enforcement agency that will provide them with fair housing training and informational materials and accept referrals of potential fair housing complaints; and,</p> <p>B. Mobility Counseling (1 point): Applicants may earn 1 point by describing how they will provide clients with mobility counseling and what information applicants will furnish to clients that will enhance their housing choice outside of areas of minority and poverty concentration.</p>
TECHNICAL ASSISTANCE NOFA	<p>Applicants may receive one point for demonstrating the following, with a maximum of 2 points awarded for this priority overall.</p> <p>A. Capacity to Provide TA in Civil Rights and Fair Housing Law: Applicants may earn 1 point for demonstrating the applicant's capacity (including, but not limited to, staff expertise or prior organizational experience offering civil rights and fair housing technical assistance) to provide, and plan to incorporate, technical assistance on civil rights and fair housing so that clients are better prepared to comply with the civil</p>

	<p>rights and fair housing laws applicable to the program. For example, if TA is being provided to homeless shelters, applicants should be able to articulate to a client that an admissions policy that excludes individuals from shelters based on actual or perceived sexual orientation or gender identity is impermissible; and,</p> <p>B. Partnerships with Fair Housing and Community-based Organizations: Applicants may earn 1 point for partnering with any of the organizations listed below whose service area includes the area in which grant funds will be used, or for partnering with a community-based organization that is representative of the population affected by the project.</p> <ul style="list-style-type: none"> • <i>Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs);</i> • <i>Agencies of State or local governments, public or private not-for-profit organizations or institutions, and other public or private entities that are representing groups of persons protected under Title VIII of the Civil Rights Act of 1968 or formulating or carrying out programs to prevent or eliminate discriminatory housing practices; and,</i> • <i>Agencies that participate in the Fair Housing Assistance Program (FHAP).</i> <p>In order to earn the point, applicants shall submit a memorandum of understanding (MOU) between the applicant and the organization, or, a letter of commitment from the organization, which details the nature of the partnership, including but not limited to, the timeframe for the partnership and the activities that each organization will undertake.</p> <p>The nature and extent of the partnership is flexible and will vary depending on the specific funding opportunity. At a minimum, however, the MOU or letter of commitment must describe at least one way that the civil rights or fair housing organization will make a substantial contribution to the grant activities to help ensure that they are carried out in a manner that affirmatively furthers fair housing.</p>
Applicability	<p>CRITERIA FOR “INCREASE ENERGY EFFICIENCY AND THE HEALTH AND SAFETY OF HOMES”</p> <ul style="list-style-type: none"> • <i>HUD/DOE Better Buildings Challenge</i> • <i>Green Building Standard</i> • <i>Renewable Energy</i> • <i>Comprehensive assessments of homes for rehab, health and energy deficiencies</i>
CAPITAL INVESTMENT NOFA AND PLANNING NOFA OR AS SPECIFIED IN	<p>Applicants may receive, within the maximum of 2 points awarded for this priority overall, 1 point for meeting criterion A or criterion B, or both, and 1 point for meeting criterion C. Within criterion B, applicants may receive the point by fulfilling either B.1 or B.2, or both.</p> <p>A. Better Buildings Challenge (1 point): The applicant certifies that it is an existing HUD/DOE Better Buildings Challenge Partner. Participating in</p>

<p>INDIVIDUAL PROGRAM NOFA</p>	<p>the Better Buildings Challenge requires a commitment to reduce portfolio-wide energy consumption by 20 percent over 10 years. To receive the point, the applicant must submit an executed copy of their Partnership Agreement, and must provide a link to their Better Buildings Challenge profile page at www.energy.gov/better-buildings, showing that they have developed a Showcase Project as well as begun to track annual energy consumption across their portfolio, both requirements of the Better Buildings Challenge.</p> <p>B. Green Building or Renewable Energy (1 point):</p> <p>1. Green Building Standard: The applicant commits to pursue a comprehensive, industry-recognized green building standard and certification for green building, such as the Enterprise Green Communities Criteria; the ICC 700 National Green Building Standard; LEED ND, LEED-H, LEED-H Midrise, LEED-NC, or one of a number of regionally-recognized green building standards such as Earthcraft House, Earthcraft Multifamily, Earth Advantage New Homes, Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole building label), or other industry-recognized green building standard in HUD's sole discretion. Additionally, the applicant must later submit a certification of completion, and provide evidence that the green building standard has been achieved.</p> <p>AND/OR</p> <p>2. Renewable Energy: The applicant certifies that the proposed project will incorporate renewable energy technologies such as on-site Solar Photovoltaic (PV) or Solar Thermal Electric, as well as Landfill Gas, Wind Energy, Biomass, Geothermal Electric, Combined Heat and Power, Municipal Solid Waste, Small Hydroelectric, Fuel Cells using Renewable Fuels in any federally assisted property receiving funds through this NOFA.</p> <p>C: Comprehensive assessments of and interventions in homes for rehabilitation, health and energy deficiencies (1 point): The applicant must identify specific projects and activities that will <i>comprehensively</i> assess housing units for rehabilitation, health and energy deficiencies and coordinate interventions across multiple disciplines, and address the risks based on the comprehensive assessment. Specific measures of success or performance for this priority include the number of housing units rehabilitated in a comprehensive approach where housing rehabilitation and energy efficiency are coordinated with such intervention measures as lead hazard control, allergen reduction, mold and moisture remediation; or</p>
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	<p>other measures designed to result in decrease in symptom days, emergency treatment or inpatient hospital stays for asthmatic residents; decrease in numbers of safety related injuries taking place in the home; decrease in number of homes with residents who smoke or increase in the number of multifamily properties (privately owned unassisted or HUD-assisted housing, or public housing) where smoking is prohibited on the property; any other measurable outcome that demonstrates the positive health impact of comprehensive housing assessments, home/health focused education, integrated pest management techniques or other health related property improvements and/or property management practices. Applicants must include a description of how outcomes through this process will be measured including resident health, residential energy usage and access to job training/job opportunities for low income residents.</p> <p>Applicants should demonstrate how their programs will coordinate housing services across the housing, health and energy disciplines including the use of common assessment tools, cross training of staff in multiple competencies, standardization of intake forms and processes. For more information on mitigating housing-related health hazards, applicants should review HUD’s Healthy Homes Strategic Plan, www.hud.gov/offices/lead/library/hhi/hh_strategic_plan.pdf, and the CDC-HUD Healthy Housing Reference Manual, www.cdc.gov/nceh/publications/books/housing/housing.htm, or www.hud.gov/offices/lead/library/hhi/HealthyHousingReferenceManual.pdf.</p> <p>Applicants are encouraged to coordinate the delivery of housing repair/rehabilitation with community, hospital or public health programs that utilize community health workers, <i>Promotores(as)</i>, health educators or other similar positions that assesses the indoor quality of home environments for conditions that may impact resident health, for example, in the coordination of rehabilitation activities with programs that assess the home environments of asthmatic children for asthma triggers.</p>
<p>TECHNICAL ASSISTANCE NOFA OR AS SPECIFIED IN INDIVIDUAL PROGRAM NOFA</p>	<p>Applicants may receive, within the maximum of 2 points awarded for this priority overall, 1 point for meeting criterion A or criterion B, or both, and 1 point for meeting criterion C. Within criterion B, applicants may receive the point by fulfilling either B.1 or B.2, or both.</p> <p>A. Better Buildings Challenge (1 point): The applicant demonstrates a high degree of technical expertise (through past performance or staff competencies) in assisting Better Buildings Challenge partners meet their energy efficiency goals under the HUD/DOE Better Buildings Challenge.</p> <p>B. Green Building or Renewable Energy (1 point):</p>

	<p>1. Green Building Standards: The applicant demonstrates a high degree of expertise with one or more industry-recognized green building standards and certifications for green building, al rehabilitation, including such programs such as the Enterprise Green Communities Criteria, the ICC 700 National Green Building Standard, LEED ND, LEED-H, LEED-H Midrise, LEED-NC; one of a number of regionally-recognized green building standards such Earthcraft House, Earthcraft Multifamily, Earth Advantage New Homes, Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole building label), or other industry-recognized green building standard in HUD’s sole discretion; and the HUD-CDC Healthy Housing Reference Manual www.cdc.gov/nceh/publications/books/housing/housing.htm.</p> <p>2. Renewable Energy: The applicant demonstrates – through past performance and technical competencies – the ability to deliver successful financing and/or installation of on-site renewable energy technologies in federally-assisted properties. This includes Solar Photovoltaics and Solar Thermal, as well as Landfill Gas, Wind Energy, Biomass, Geothermal Electric, Combined Heat and Power, Municipal Solid Waste, Small Hydroelectric, Fuel Cells using Renewable Fuels).</p> <p>C: Comprehensive assessments of and interventions in homes for rehabilitation, health and energy deficiencies (1 point): The applicant must demonstrate a high degree of technical expertise (through past performance or staff competencies) in, and commit to, encouraging and assisting technical assistance recipients to identify specific projects and activities that will <i>comprehensively</i> assess housing units for rehabilitation, health and energy deficiencies and coordinate interventions across multiple disciplines, and address the risks based on the comprehensive assessment. Health intervention measures include lead hazard control, allergen reduction, mold and moisture remediation; or other measures designed to result in decrease in symptom days, emergency treatment or inpatient hospital stays for asthmatic residents; decrease in numbers of safety related injuries taking place in the home; decrease in number of homes with residents who smoke or increase in the number of multifamily properties (privately owned unassisted or HUD-assisted housing, or public housing) where smoking is prohibited on the property; any other measurable outcome that demonstrates the positive health impact of comprehensive housing assessments, home/health focused education, integrated pest management techniques or other health related property improvements and/or property management practices. Applicants must include a</p>
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description of how outcomes through this process will be measured including effectiveness measures of training, outreach, and reviews and recommendations regarding of technical assistance recipient procedures and documentation, in improving resident health, residential energy usage and access to job training/job opportunities for low income residents. Specific measures of success or performance for this priority include the percentage of technical assistance recipients that receive assistance that successfully achieves those outcomes.

Applicants should demonstrate how their programs will help technical assistance recipients coordinate housing services across the housing, health and energy disciplines, including the use of common assessment tools, cross training of staff in multiple competencies, standardization of intake forms and processes. For more information on mitigating housing-related health hazards, applicants should review HUD's Healthy Homes Strategic Plan, www.hud.gov/offices/lead/library/hhi/hh_strategic_plan.pdf, and the CDC-HUD Healthy Housing Reference Manual www.cdc.gov/nceh/publications/books/housing/housing.htm, or www.hud.gov/offices/lead/library/hhi/HealthyHousingReferenceManual.pdf.

Applicants should encourage technical assistance recipients to coordinate the delivery of housing repair/rehabilitation with community, hospital or public health programs that utilize community health workers, *Promotores(as)*, health educators or other similar positions that assesses the indoor quality of home environments for conditions that may impact resident health, for example, in the coordination of rehabilitation activities with programs that assess the home environments of asthmatic children for asthma triggers.