



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

Multifamily Housing

Section 811 Project Rental Assistance for Persons with Disabilities

FR-6700-N-53

02/12/2024

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Multifamily Housing

**Funding Opportunity Title:**

Section 811 Project Rental Assistance for Persons with Disabilities

**Funding Opportunity Number:**

FR-6700-N-53

**Assistance Listing Number (formerly CFDA Number):**

14.326

**Due Date for Applications:**

02/12/2024

**OVERVIEW**

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD’s NOFO development and publication and concludes with the award of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant’s relative standing; 2) the amount of assistance requested by any applicant; and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For further information regarding this NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

**Paperwork Reduction Act Statement.** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. HUD 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. This NOFO identifies its applicable OMB control number, unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

**OMB Approval Number(s):**

2502-0608

**I. FUNDING OPPORTUNITY DESCRIPTION**

**A. Program Description**

**1. Purpose**

The Frank Melville Supportive Housing Investment Act of 2010 (Pub. L. No. 111-374) amended Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to give HUD authority to delegate award and oversight of Section 811 operating assistance to States which: 1) can fully fund the initial costs of the Section 811 units without a traditional Section 811 capital advance grant from HUD and, 2) demonstrate a strong collaboration with their

Health and Human Service/Medicaid agency to comprehensively address the needs of persons with disabilities. The Section 811 Project Rental Assistance (811 PRA) program provides funding to state housing and other appropriate agencies for project-based rental operating assistance for extremely low-income persons with disabilities. The primary purpose of the Section 811 PRA Program is to identify, stimulate, and support innovative state-level strategies that will transform and increase housing for extremely low-income persons with disabilities, while also making available appropriate support and services. The 811 PRA program supports collaborations between State Housing and Health and Human Service/Medicaid Agencies that result in increased access to affordable supportive housing units – new and existing– with access to appropriate services. Many states have already developed partnerships to address this need, and HUD intends to further support these efforts as well as to incentivize additional states to develop similar collaborative efforts. This Section 811 PRA NOFO will allow HUD to identify and support successful and promising state models. This program provides states with the flexibility to award and administer these funds to address the shortage of affordable and integrated housing for persons with disabilities. Housing agencies may either directly administer the rental assistance contracts for eligible properties or contract with other qualified parties to administer them.

The desired outcomes of the program include:

- Facilitating and sustaining effective and successful partnerships between State Housing or other appropriate housing agencies and State Health and Human Service/Medicaid agencies to provide permanent housing with the availability of supportive services for extremely low-income persons with disabilities;
- Integrating affordable housing with access to appropriate services for persons with disabilities;
- Substantially increasing integrated affordable rental housing units for persons with disabilities within existing, new, or rehabilitated multifamily properties with a mix of incomes and disability status, in well-resourced neighborhoods of opportunity.

## **2. HUD and Program-Specific Goals and Objectives**

This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success. However, of the five goals only those applicable to this NOFO are identified below.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

### **Applicable Goals and Objectives from HUD's Strategic Plan**

#### **1. Strategic Goal 1: Support Underserved Communities**

Fortify support for underserved communities and support equitable community development for

all people.

**2. 1A: Advance Housing Justice**

Fortify support for vulnerable populations, underserved communities, and Fair Housing enforcement.

**3. 1B: Reduce Homelessness**

Strengthen Federal, State, Tribal, and community implementation of the Housing First approach to reducing the prevalence of homelessness, with the ultimate goal of ending homelessness.

**4. 1C: Invest in the Success of Communities**

Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.

**5. Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing**

Ensure housing demand is matched by adequate production of new homes and equitable access to housing opportunities for all people.

**6. 2A: Increase the Supply of Housing**

Enhance HUD's programs that increase the production and supply of housing across the country.

**7. 2B: Improve Rental Assistance**

Improve rental assistance to address the need for affordable housing.

**8. Strategic Goal 3: Promote Homeownership**

Promote homeownership opportunities, equitable access to credit for purchase and improvements, and wealth-building in underserved communities.

**9. 3A: Advance Sustainable Homeownership**

Advance the deployment of tools and capital that put sustainable homeownership within reach.

**10. 3A ♦ Major Initiative: Expand Homeownership Opportunities**

Promote financing for innovative ownership models to increase the availability of affordable housing.

**11. 3B: Create a More Accessible and Inclusive Housing Finance System**

Advance new policy, programs, and modernization initiatives that support a more equitable housing finance system. Promote the preservation and creation of affordable housing stock.

**12. Strategic Goal 4: Advance Sustainable Communities**

Advance sustainable communities by strengthening climate resilience and energy efficiency, promoting environmental justice, and recognizing housing's role as essential to health.

**13. 4A: Guide Investment in Climate Resilience**

Invest in climate resilience, energy efficiency, and renewable energy across HUD programs.

**14. 4B: Strengthen Environmental Justice**

Reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color.

**15. 4C: Integrate Health and Housing**

Advance policies that recognize housing's role as essential to health.

Applicable Goals and Objectives from HUD's Strategic Plan:

**1B: Reduce Homelessness:**

Applicants must have an Inter-Agency Partnership Agreement with the state agency responsible for health and human services programs and/or the state agency designated to administer or supervise the administration of the state's plan for medical assistance, and to target populations

such as persons with disabilities who are institutionalized, at serious risk of institutionalization, homeless, and at risk of homelessness.

## **2A: Increase the Supply of Housing:**

HUD will award points up to 10 points to Applicants that are able to align the PRA program to state or local initiatives to increase the supply of permanent supportive housing for persons with disabilities.

## **2B: Improve Rental Assistance:**

HUD will award points to Applicants that have demonstrated five years or more experience in managing affordable multifamily housing, specifically experience in compliance and monitoring, leveraging resources to support affordable housing, and managing housing that serves persons with disabilities.

## **4C: Integrate Health and Housing**

Advance policies that recognize housing's role as essential to health. HUD will award up to 15 points to Applicants that go beyond the minimum program requirement of submitting the Inter-Agency Partnership agreement and develop a detailed, high-quality, Inter-Agency Partnership agreement that includes the management, coordination, and integration of services.

**Funding Opportunity Goals**The primary purpose of the Section 811 Project Rental Assistance Program is to identify, stimulate, and support innovative state-level strategies that will transform and increase housing for extremely low-income persons with disabilities, while also making available appropriate support and services.

## **3. Changes from Previous NOFO**

- Strategic Goal - Integrate Health and Housing. Applicants should align their PRA programs to reflect housing's essential role to the health and welfare of the individuals served by the program.
- Modifications to the Negotiation Provision. HUD will not negotiate or modify language in approved OMB forms that are included as attachments to the award agreement.
- No "Preliminary" awards will be made. Award letters issued to selected grantees will be the only notification of award the grantee will receive.
- Narrative responses on Advancing Racial Equity, Affirmative Marketing, Affirmatively Furthering Fair Housing, and Experience Promoting Racial Equity have been added or modified.
- Removed the sub-factor “**Past Performance and/or Past Noncompliance**” from Rating Factor 1: *Applicant and State Health and Human Service/Medicaid Agencies Relevant Experience, Capacity, and Readiness*, and added it as Threshold Eligibility Requirement.

## **4. Definitions**

### a. Standard Definitions

**Affirmatively Furthering Fair Housing (AFFH)** means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant's activities and programs relating to housing and urban development.

**Assistance Listing number** refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

**Authorized Organization Representative (AOR)** is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

*Expanded Authorized Organization Representative* is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

*Standard Authorized Organization Representative* is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

**Consolidated Plan** is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See [24 CFR part 91](#) for HUD's requirements regarding the Consolidated Plan and related Action Plan).

**Contract** means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

**Contractor** means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

**Cooperative agreement** has the same meaning defined at [2 CFR 200.1](#).

**Deficiency**, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents,



missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

***A Curable Deficiency*** is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable, the deficiency must:

- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

***A Non-Curable Deficiency*** is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

**E-Business Point of Contact (E-Biz POC)** is an organization applicant who is responsible for the administration and management of grant activities for his or her organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Authorized Organization Representative definition). There can only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

**Eligibility requirements** are mandatory requirements for an application to be eligible for funding.

**Environmental Justice** means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing laws and policies in a manner that advances environmental equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

[https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/regulations](https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations).

**Equity** has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

**Federal Award**, has the meaning, depending on the context, in either paragraphs (1) or (2) of this definition:

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in [2 CFR 200.101](#); or

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

**Federal Financial Assistance** has the same meaning defined at [2 CFR 200.1](#).

**Grants.gov** is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

**Green and Resilient Building Standard** means an industry-recognized standard incorporating both:

(1) Certification under (i) Enterprise Green Communities, (ii) Leadership in Energy and Environmental Design (LEED) (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development), (iii) International Code Council (ICC)-700 National Green Building Standard Green+ Resilience; or the (iv) Living Building Challenge, or (v) a regional standard such as Earth Advantage New Homes; or any other equivalent comprehensive green building program acceptable to HUD; and

(2) Minimum energy efficiency requirements, such as those defined in (i) ENERGY STAR (Certified Homes or Multifamily High-Rise), (ii) DOE Zero Energy Ready Home; (iii) regional or local certifications such as EarthCraft House, EarthCraft Multifamily; Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole Building label); (iv) Passive House Institute Passive Building or EnerPHit certification from the Passive House Institute US (PHIUS), International Passive House Association.

**Historically Black Colleges and Universities (HBCUs)** are any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress

toward accreditation. [A list of accredited HBCUs can be found at the U.S. Department of Education’s website.](#)

**Minority-Serving Institutions (MSIs)** are

- (1) a part B institution (as defined in [20 U.S.C. 1601](#));
- (2) a Hispanic-serving institution (as defined in [20 U.S.C. 1101a\(5\)](#));
- (3) a Tribal College or University (as defined in [20 U.S.C. 1059c](#));
- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in [20 U.S.C. 1059d\(b\)](#));
- (5) a Predominantly Black Institution (as defined in [20 U.S.C. 1059e](#));
- (6) an Asian American and Native American Pacific Islander-serving institution (as defined in [20 U.S.C. 1059g](#)); or
- (7) a Native American-serving nontribal institution (as defined in [20 U.S.C. 1059f](#)).

**Non-Federal Entity (NFE)** means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a federal award as a recipient or subrecipient.

**Primary Point of Contact (PPOC)** is the person who may be contacted with questions about the application submitted by the AOR. The PPOC is listed in item 8F on the SF-424.

**Racial Equity** is the elimination of racial disparities, and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons, which includes Black, Latino, indigenous, Native American, Asian, Pacific Islander, and other persons of color.

**Recipient** means an entity, usually but not limited to non-Federal entities, that receives a federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

**Resilience** is a community’s ability to minimize damage and recover quickly from extreme events and changing conditions.

**Small business** is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of “small”—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR Part 121](#).

**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient** means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a federal award but does not include an

individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

**System for Award Management (SAM)** is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

**Threshold Requirements** are eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

**Underserved Communities** has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity” above.

**Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify business entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

#### b. Program Definitions.

For purposes of the Section 811 PRA program, the following definitions apply. For more definitions, applicants should reference the governing statute (42 U.S.C. 8013) and 2 CFR Part 200.

**Administrative Costs for Awardees** are funds that may be provided at initial funding and subsequent annual funding renewals under this award. Administrative costs are allowable at a rate of up eight percent (8%) of the total project rental assistance awarded, at HUD’s discretion. Awards are based on the range of tasks performed by the grantee. These funds may be used for planning and costs associated with developing and operating the Section 811 PRA program, including staffing and the technology needed to administer the program. The costs should include direct and indirect costs.

**Applicant** The Applicant will be the primary housing agency responsible for implementing the Section 811 PRA Program, sign the HUD Agreement and is the sole entity that will have access to HUD’s Electronic Line of Credit Control System (eLOCCS) to drawdown PRA funding. “Applicant” and “Grantee” will be used interchangeably throughout this NOFO.

**Co-Applicant** When two applicants work together to submit a unified application, one applicant will be considered a Co-Applicant and the other will be the Lead Applicant. Both applicants will sign the Cooperative Agreement and will be responsible for implementing the activities identified in the approved Implementation Plan, however, the co-applicant will not have direct access to the grant funds via eLOCCS. The Lead Applicant must be identified in the Abstract and the Narrative response to the Rating Factors, and will be the only entity to have access to the grant funds. Applicants and Co-Applicants must meet the same eligibility requirements, as specified below.

**Cooperative Agreement** is an agreement executed between HUD and the Grantee (and where applicable, Co-Applicant). HUD will be involved during the period of performance, including but not limited to: the development of the program; the oversight of the progress made on the proposed activities and results of those activities; and the monitoring of funds drawn, project deliverables and timelines. The terms of the Cooperative Agreement will include the work to be performed under the grant and any special conditions or requirements, including the extent of HUD involvement. The Implementation Plan will be included with the Cooperative Agreement.

**Eligible Property** means any new or existing property owned by a non-profit or a private entity. The property must contain at least five (5) units of housing. The cost to develop a new property must be paid with other public or private resources. **Section 811 and Section 202 Capital Advance funds may not be used to finance these properties.** Properties with existing use restrictions for persons with disabilities are not eligible, unless such Section 811 PRA funds are being used to support other units in the building without such restrictions. Existing units receiving any form of long-term operating housing subsidy within a six-month period prior to receiving Section 811 PRA funds, such as project-based Section 8, are ineligible to receive this assistance. In addition, units with use agreements requiring housing for persons 62 or older are not eligible to receive Section 811 PRA funds.

**Eligible Tenants (Tenants)** are extremely low-income households where at least one person is an individual with a disability. That person must be at least 18 years old, but less than 62 years old at the time of admission into the property. The person with the disability must be eligible for community-based, long-term services as provided through Medicaid waivers, Medicaid state plan options, state-funded services or other appropriate services related to the target population (e.g., persons who are institutionalized, at serious risk of institutionalization, homeless, at risk of homelessness) under the Inter-Agency Partnership Agreement, as described in Section III.D.3

**Extremely Low-Income Family** means a family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. Only extremely low-income families are eligible to benefit from this rental assistance program. Both “annual income” and “extremely low-income family” are defined in 24 CFR 5.603. Federally mandated income exclusions defined by 24 CFR 5.609 must be applied in determining income eligibility at the time of admission and in calculating the Eligible Tenant’s income during the interim/annual re-certification stages.

**Grantee** means a successful eligible applicant selected under this NOFO that executes a Cooperative Agreement with HUD. In cases where a Co-Applicant also executes the Cooperative Agreement, the Co-Applicant would be referred to as the Co-Grantee. “Grantee” and “Applicant” will be used interchangeably throughout this NOFO.

**Implementation Plan** means the applicant’s comprehensive strategy that will be used to develop and manage the state’s Section 811 PRA Program as presented in the Section 811 PRA application. The Implementation Plan will include the following sections:

- Process for Identification of Units
- Alignment of New or Existing Housing Initiatives or Strategies
- Calculation of PRA Funds
- Program Implementation Schedule
- Integration of Services (which includes the Inter-Agency Partnership Agreement).

The specific requirements are outlined in Rating Factor 3, Soundness of Approach/Implementation Plan. The HUD-approved Implementation Plan will be included with the executed Cooperative Agreement.

**Lead Applicant.** Lead Applicant is the primary housing agency responsible for implementing the HUD funded Section 811 PRA Program for applications involving a Co Applicant. The Lead Applicant must meet the definition of an Eligible Applicant. The Lead Applicant will sign the HUD Agreement and is the sole entity that will have access to HUD's Electronic Line of Credit Control System (eLOCCS) to drawdown PRA funding.

**Letter(s) of Intent** are letters from one or more third party entities (such as Performance Based Contract Administrators [PBCAs], Public Housing Authorities [PHAs], or private contractors) that specialize in managing this specific type of housing and have an established, high-quality track record of administering and processing timely payments to property owners. Eligible applicants can contract with public or private entities to perform functions under this NOFO. Letters of Intent must be provided in those instances where the eligible applicant is using other entities to perform the requirements specified in this NOFO. To be acceptable to HUD, the letter of intent, whether from the one or more state agencies or third-party entities must:

- Include the name of the entity agreeing to perform the activity specified in the application
- Include the name of the applicant
- Demonstrate the financial capacity to deliver the resources necessary to carry out the activity, expressed in dollar value, as it relates to the program activity, or commit to provide the specific supportive service(s)
- Specify the intent to commit the resources to the program if the application is funded
- Be written on the letterhead of the entity/agency and addressed to the applicant
- Be executed by an official of the organization who is legally authorized to make such commitments on behalf of the organization and,
- Be dated no earlier than nine months before the date of publication of this NOFO and must state how long the commitment remains valid should an award be granted.

**NOTE: HUD understands the difficulties in obtaining new agreements for existing programs, however, existing agreements dated prior to nine months of the date of the publication of this NOFO need to be updated, ratified or confirmed by all signatories.**

**Persons with Disabilities** has the meaning provided in Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)), as implemented by 24 CFR 891.305.

**National Standards for the Physical Inspection of Real Estate (NSPIRE)** are uniform national standards established by HUD to determine the physical conditions of properties. To ensure that all residents live in safe, habitable dwellings, NSPIRE requires items and components located inside the building, outside the building, and within the units of HUD housing to be functionally adequate, operable, and free of health and safety hazards. More information regarding NSPIRE can be found at 24 CFR 5.703 and on HUD's website at [REAC/NSPIRE](#)

**Section 811 Project Rental Assistance (PRA)** is defined as funding made available by HUD to Grantees to provide long-term rental assistance for supportive housing for non-elderly, extremely low-income persons with disabilities, or extremely low-income households that include at least one non-elderly person with a disability. 811 PRA funds the difference between the tenant's

portion of the rent and HUD's contribution to the contract rent for the approved Section 811 PRA unit.

**Rental Assistance Contract (RAC)** means the contract between the Grantee and the owner of the Eligible Multifamily Property. The contract sets forth the rights and duties of the parties with respect to the Eligible Multifamily Property and the administration of the PRA program.

## **B. Authority**

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended by the Frank Melville Supportive Housing Investment Act of 2010 (Pub. L. No. 111-374); funding for this NOFO is authorized pursuant to the Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103, enacted March 15, 2022).

## **II. AWARD INFORMATION**

### **A. Available Funds**

Funding of approximately **\$106,000,000** is available through this NOFO.

Additional funds may become available for award under this NOFO consistent with Section VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

HUD is making available up to \$212,000,000 to support new, affordable housing units for persons with disabilities. In addition to this NOFO, HUD is also releasing a Section 811 NOFO to competitively award Capital Advance and Project Rental Assistance Contract (PRAC) funds. This NOFO will make approximately \$106,000,000 available to state entities and the second 811 Capital Advance NOFO will make approximately \$106,000,000 directly available to non-profit entities.

*If any funds remain after all eligible applicants under this NOFO have been selected, HUD reserves the right to use those remaining funds to make awards under the Capital Advance NOFO.*

**Use of Funds Prohibition.** Funding under this NOFO must be used in accordance with the allowable uses as defined in this NOFO. Funding under this NOFO may not be used to support:

- (1) Development of Capital Advance units
- (2) Payments related to Project Rental Assistance Contracts (PRAC)
- (3) Project-based or tenant-based vouchers
- (4) Activities not specified in this NOFO

### **B. Number of Awards**

HUD expects to make approximately 13 awards from the funds available under this NOFO.

### **C. Minimum/Maximum Award Information**

Estimated Total Funding:

\$106,000,000

Minimum Award Amount:

\$1

Per Budget Period

Maximum Award Amount:

\$8,000,000

Per Budget Period

#### **D. Period of Performance**

The **Project Start Date** is the date of the executed Cooperative Agreement and the Project End Date is the expiration of the last RAC, but not less than 20 years from the project start date. The Cooperative Agreement between HUD and the grantee shall be for a minimum of twenty years, with initial funding for the first five years, and with subsequent funding renewal subject to Congressional appropriations. All Rental Assistance Contracts shall be for a minimum of twenty years (continued funding in years beyond the first five years is also subject to appropriations). HUD will be involved during the period of performance, including but not limited to: the development of the program; the oversight of the progress made on the proposed activities and results of those activities; and the monitoring of funds drawn, project deliverables, and timelines. In addition, any withdrawals of funds from the eLOCCS system are subject to HUD's approval.

Estimated Project Start Date:

05/29/2024

Estimated Project End Date:

05/28/2044

Length of Project Periods:

60-month project period and budget period

Length of Periods Explanation of Other:

The 60-month project period will consist of five 12- month budget periods.

#### **E. Type of Funding Instrument**

Funding Instrument Type:

CA (Cooperative Agreement)

### **III. ELIGIBILITY INFORMATION**

#### **A. Eligible Applicants**

00 (State governments)

25 (Others (see text field entitled "Additional Information on Eligibility" for clarification))

#### **Additional Information on Eligibility Eligibility.**

Applicants are housing agencies currently allocating Low Income Housing Tax Credits (LIHTC) under Section 42 of the Internal Revenue Service Code of 1986 (IRC), any applicable participating jurisdiction allocating and overseeing assistance under the HOME Investment Partnerships Act (HOME), and/or a housing agency who operates a similar federal or state



program to LIHTC or HOME. To be eligible, the applicant must have an Inter-Agency Partnership Agreement with the state agency responsible for health and human services programs, and the state agency designated to administer or supervise the administration of the state's plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396, *et seq.*), i.e. Medicaid. Only one applicant per state will receive funding. In the event there is more than one applicant for a particular state, the State's Health and Human Services/Medicaid agency must decide which applicant it will partner with. If the State Health and Human Services/Medicaid Agency is included in multiple applications, **none will be considered.**

#### Faith-based organizations

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR 5.109](#), and subject to the protections and requirements of 42 U.S.C. 2000bb *et seq.*, HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. 2000bb *et seq.*, 42 U.S.C. 238n, 42 U.S.C. 18113, 42 U.S.C. 2000e-1(a) and 2000e-2(e), 42 U.S.C. 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

## **B. Ineligible Applicants**

### **Ineligibility**

**a. Ineligible to Apply.** Individuals, for-profit entities, and non-profit organizations are not eligible to apply.

**b. Troubled Status.** If an applicant or co-applicant has any outstanding HUD or Office of Inspector General (OIG) audit findings, or has been designated "Troubled" by HUD or any other governmental entity, HUD will use documents and information available to determine if the applicant is acceptable to HUD. The applicant may still be eligible to apply if HUD determines:

a. The finding or designation is for reasons that will not affect its capacity to carry out the grant activities.

b. The applicant is making substantial progress toward eliminating the deficiencies that resulted in the designation or finding.

c. The applicant is in compliance with Fair Housing or other Civil Rights requirements.

d. The applicant is otherwise deemed by HUD to be capable of successfully executing all required activities of the grant.

### **C. Cost Sharing or Matching**

This Program does not require cost sharing or matching.

### **D. Threshold Eligibility Requirements**

Applicants who fail to meet any of the following threshold eligibility requirements are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

#### **1. Resolution of Civil Rights Matters**

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD’s satisfaction before or on the application deadline date for this NOFO.

- (1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of 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 (including sexual orientation and gender identity), national origin, disability or familial status;
- (2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);
- (3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, 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, the Americans with Disabilities Act, Violence Against Women Act, or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
- (4) Receipt of a letter of findings identifying systemic non-compliance 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; Violence Against Women Act; or the Americans with Disabilities Act; or
- (5) Receipt of 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 prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

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

- (1) Current compliance with a voluntary compliance agreement signed by all the parties;
- (2) Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- (3) 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;
- (4) Current compliance with a consent order or consent decree;
- (5) Current compliance with a final judicial ruling or administrative ruling or decision; or
- (6) Dismissal of charges.

## **2. Timely Submission of Applications**

Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

## **3. Interagency Partnership Agreement**

To be eligible, the Applicant must have an Inter-Agency Partnership Agreement with the State agency responsible for health and human services programs and the State agency designated to administer or supervise the administration of the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396, et seq.), i.e. Medicaid. The Inter-Agency Partnership Agreement outlines the partnership between the Applicant and state Health and Human Service/Medicaid agency or agencies. The Applicant must provide an Inter-Agency Partnership Agreement that provides evidence of a formal structure for collaboration in participating in the state's Section 811 PRA program. In states where the State Health and Human service agency is not the state's Medicaid agency, both agencies' participation must be evidenced.

The agreement must include:

- o Detailed description of the target population(s) to be served (e.g., persons who are institutionalized, at serious risk of institutionalization, homeless, at risk of homelessness. (Note that the authorizing legislation allows the Section 811 PRA program applicants to identify one or more specific targeted populations for this funding).
- o Methods for outreach and referral.
- o Commitments to make appropriate services available for residents in Section 811 PRA assisted units in multifamily properties.
- o Description of available state administered services and other appropriate services and a description of how such services will be made available to the tenants.

NOTE: If these agencies have an existing agreement to provide housing and services, an addendum may be added to that existing document that addresses the provisions for this 811

PRA program and that can then serve as the Inter-Agency Partnership Agreement. Additional agencies providing oversight, coordination or services should also be included in this agreement.

(1) Terms. The agreement shall have a term of not less than five (5) years and should be co-terminus with the term of the initial funding of units under this NOFO. HUD is seeking long-term commitments beyond the initial five-years to make available services for the targeted populations. HUD understands these services are typically funded annually through state and federal programs and will accept commitments subject to contingencies based upon annual funding.

(2) Tenancy. The Agreement must also evidence the Applicant's commitment to ensure that tenancy in Section 811 PRA assisted units is reserved for the targeted populations (e.g., persons who are institutionalized, at serious risk of institutionalization, homeless, at risk of homelessness) identified in the agreement that will benefit from the available services. Such services will allow eligible residents to live independently in supportive housing units. To protect the interest of both tenants and multifamily owners, participating agencies must demonstrate the State's ability to provide appropriate community-based long-term services and support to targeted populations.

(3) Choice. Tenant participation in supportive services is voluntary and cannot be required as a condition of tenancy. Persons with disabilities must have choice in the housing, health care, and related support services they receive as individual states facilitate the transition and integration of individuals with disabilities from institutional and other segregated settings into the community.

**Applicants must provide the required agreement in the application under Tab B**

#### **4. Past Performance**

To ensure that Applicants have the capacity to run a successful 811 PRA program, HUD will review the past performance data under the program. HUD will use the most recent quarterly or annual reporting data and any existing criteria or information in evaluating an Applicant's past performance or past non-compliance available at the time of application closing. Applicants with an existing 811 PRA grant that have demonstrated low performance or partial implementation of the grant at the time of application closing will not be eligible for funding for the FY 2023 NOFO. For Applicants who have not previously received funding for 811 PRA, HUD may evaluate previous performance under **any** HUD or other federal programs. If HUD finds that the Applicant has a documented history of non-compliance, the Applicant will not be eligible for funding under the NOFO.

**NOTE:** For this requirement, HUD **will not** use performance data for grants awarded under the **FY 2019** 811 PRA NOFO. If an Applicant has only received funding under the FY 2019 NOFO, HUD will evaluate previous performance and/or non-compliance under other HUD or federal programs.

### **E. Statutory and Regulatory Requirements Affecting Eligibility**

#### **Eligibility Requirements for Applicants of HUD's Financial Assistance Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the [“Eligibility Requirements for Applicants of HUD’s Financial Assistance Programs” document on HUD’s Funding Opportunities page.](#)

- Universal Identifier and System for Award Management (SAM.gov) Requirements
- Outstanding Delinquent Federal Debts
- Debarments or Suspensions, or both
- Mandatory Disclosure Requirement
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [24 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR170.110](#).

#### **Name Check Review**

HUD will not make awards to entities that are debarred, suspended or are on the HUD Limited Denial of Participation List.

### **F. Program-Specific Requirements**

**1. Affirmatively Furthering Fair Housing.** Under Section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. Grantees will be required to certify that they will affirmatively further fair housing. Grantees must affirmatively further fair housing by selecting properties for participation that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics; and that offer access to appropriate services, accessible transportation, and commercial facilities to ensure greater integration of persons with disabilities in the broader community. Grantees must also require owners of the properties with whom they enter into RACs to adopt actions and procedures to ensure that Section 811 PRA assisted units are dispersed and integrated within the property. Grantees must describe their methods of outreach, referral and waiting list policies in Rating Factor 3. All methods of outreach and referral and management of the waiting list must be consistent with fair housing and civil rights laws and regulations. Grantees must conduct affirmative outreach to provide information and otherwise attract eligible persons to the program regardless of race, color, national origin, religion, sex, disability, or familial status, who are not likely to apply to the program without special outreach. Grantees must maintain records describing actions taken to affirmatively further fair housing. An applicant will submit respond to this requirement under the Soundness of Approach - Factor 3. Please limit your response to 1 page. The inclusion of this narrative will not count towards the 30-page submission limit.

**2. Limitation on Populations Served.** Section 811 PRA funds may only be provided for housing units set aside for extremely low-income households, where at least one person is an individual with a long-term disability, and is age 18 or older, but less than 62 years of age at the time of admission. Furthermore, a person with a long-term disability served under this program must be eligible for community-based long-term care services and support provided for under the state’s plan for medical assistance under Title XIX of the Social Security Act. This includes

Medicaid 1915(c) waivers, the Medicaid 1915(i) option, the Medicaid Rehabilitation option, certain Medicaid 1115 demonstration waivers and similar successor programs, or other federal or state appropriate or targeted community-based long-term service and support programs that the state certifies are comparable to Medicaid long-term care services. Additionally, applicants may identify specific targeted populations of persons with disabilities (e.g., persons who are institutionalized, at serious risk of institutionalization, homeless, or at risk of homelessness).

**3. Limitation on Units Assisted.** Eligible multifamily properties may only receive Section 811 PRA funds if the housing to benefit from this assistance does not currently have an existing use restriction or a contractual obligation to serve persons with disabilities, as described below.

**a.** Units already receiving any form of federal or state housing operating assistance (such as project-based Section 8) are ineligible to receive Section 811 PRA assistance, unless the Section 811 PRA funds are being used to support other units in the building without such subsidy. Existing units receiving any form of long-term operating housing subsidy within a six-month period prior to receiving Section 811 PRA funds, such as assistance under project-based Section 8, are ineligible to receive this assistance. Please note that the Low-Income Housing Tax Credit is **not** considered a long-term operating subsidy.

**b.** Units with Use Agreements requiring housing for persons 62 or older are not eligible to receive Section 811 PRA funds.

**c.** No more than 25 percent of the total units in eligible multifamily properties can:

1) be used for supportive housing for persons with disabilities (either under the Section 811 PRA program or any other federal or state program); or

2) have any occupancy preference for persons with disabilities.

**d.** Units must be dispersed throughout the property and must not be segregated to one area of a building such as on a particular floor or part of a floor in a building or in certain sections within a project. Owners do not need to designate specific units (e.g., units 101, 201, etc.) to be set-aside for Section 811 PRA supportive housing units. This allows flexibility in offering the next available unit to a person with a disability if the number of units occupied by persons with disabilities under the set-aside had not been met. **NOTE: Applicants may not prohibit persons with disabilities from applying for residency in non-Section 811 PRA units.**

**4. Inter-Agency Partnership Agreement.** Applicants must evidence a formalized structure for collaboration between the Applicant and the state agency charged with administering state health and human services programs and policy and the state Medicaid programs as more fully described above in Section III.D.3. In states where these functions have been separated, both agencies' participation must be evidenced.

**5. Rental Assistance Contract (RAC).** A contract must be executed between the Grantee administering the Section 811 PRA funds and each owner of a Multifamily Property, in a manner and form as determined by HUD. The initial term of such contracts between the Grantee and the Multifamily Property owners shall have a minimum term of 20 years; however, financial support from HUD following initial funding is subject to available appropriations. Contracts may be renewed if all parties agree; however, funding under the terms of the contract will be subject to the availability of federal appropriations. Grantees may include an addendum to the RAC,

subject to written HUD approval, provided that the provisions of the addendum do not conflict with any requirement under the NOFO or the Cooperative Agreement, or any HUD or federal requirements.

a. This contract will provide the rental assistance payments to the owner for Tenants, as defined above in Section I.A.4.b., residing in units that have been set-aside by the owner as supportive housing for persons with disabilities.

b. The RAC will identify the project, the number of contract units by bedroom size and accessibility, and the contract terms and the conditions for receipt of the project rental assistance payments, including provisions ensuring that tenants are afforded all tenant protections in 42 USC 8013(i)(2), i.e., lease term, termination of tenancy, and voluntary participation in services.

c. The RAC requires the Grantee to certify annually to HUD that Section 811 PRA assisted units are occupied by eligible tenants. It also requires the Grantee to conduct regular physical inspections of those units to confirm that they meet the uniform national standards established by HUD to ensure that all residents live in safe, habitable dwellings. The Grantee may inspect Section 811 PRA units using a frequency and sample size that conforms with other federal or state housing program requirements.

d. The Grantee must determine an appropriate RAC rent level which may or may not reflect the actual costs of operating the Section 811 PRA assisted units. More information can be found in number 11 below, “Approved Rent and Rent Adjustments.”

**6. Administration of the Rental Assistance Contracts (RACs).** Grantees will be responsible for administering the Section 811 PRA Program, managing the RACs, and maintaining all applicable HUD and other federal requirements. HUD, or its designee, reserves the right to assume and administer the RACs at any time as a result of material non-compliance or non-performance by the Grantee is determined by HUD.

**7. Use Restriction.** Housing assisted with Section 811 PRA must have a minimum 30-year use restriction for extremely low-income persons with disabilities. The terms and conditions of the use agreement and its enforcement shall be specified in the Cooperative Agreement and the RAC. If Congress fails to appropriate funds adequate to meet future renewal needs pursuant to the Cooperative Agreement, HUD will not enforce any use agreements on properties that have been funded under such agreement. However, under such a circumstance, and in accordance with policies, requirements and terms of the Cooperative Agreement, as will be established by HUD, HUD will allow grantees to continue to enforce or terminate such use agreements at the Grantees’ discretion.

**8. Tenant’s Contribution to Rent.** The tenant’s rent contribution shall be 30 percent of the family’s adjusted monthly income, as determined through an income re-certification as described in 24 CFR 891.610.

**a. TRACS** Grantees will be required to ensure that tenant data is entered into HUD’s Tenant Rental Assistance Certification System (TRACS) in the administration of the Section 811 PRA program.

**b. EIV** HUD’s Enterprise Income Verification (EIV) System must be used to verify the income for all tenants of Section 811 PRA assisted units.

**9. Tenant Lease Term.** The initial lease term shall not be less than one year. The lease must be on HUD form (HUD-92236). Grantees may include an addendum to the HUD lease, with prior written HUD approval, provided that the provision(s) of the addendum do not conflict with any requirement under the HUD lease, the NOFO, the Cooperative Agreement, 2 C.F.R. 200, or any HUD or other federal requirements.

**10. Termination.** In addition to HUD regulations regarding evictions under 24 CFR part 5, an owner may not terminate the tenancy or refuse to renew the lease of a tenant of a Section 811 PRA assisted unit except:

**a.** For serious or repeated violations of the terms and conditions of the lease, for violation of applicable federal, state, or local law, or for other good cause; and

**b.** By providing the tenant, not less than 30 days before such termination or refusal to renew, with written notice specifying the grounds for such action.

**11. Approved Rent and Rent Adjustments.** Applicants must clearly outline how contract rents will initially be established. Under no circumstances may the initial RAC rent level exceed the applicable Fair Market Rent (FMR) level as determined by HUD, unless such rent level is substantiated by a market study that has been prepared and reviewed in accordance with the requirements of a state housing agency, Chapter 9 of HUD's Section 8 Renewal Guide (see [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/mfh/mfhsec8](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/mfhsec8)), or as approved by HUD. Contract rents will be adjusted annually based upon HUD's Operating Cost Adjustment Factor (OCAF) or another operating cost index proposed by the grantee. If suggesting another operating cost index, please provide justification for using the alternative index instead of HUD's OCAF. (HUD reserves the right to reject the alternate methodology for calculating rents). For the most recent guidance on OCAF, please see <https://www.govinfo.gov/content/pkg/FR-2018-11-23/pdf/2018-25440.pdf>. Applicants will be rated based upon how approved rents will be established and adjusted.

**12. Barrier Free/Accessibility Requirement for Units, Buildings, and Facilities, Including Public and Common Use Areas.** Selected properties must meet accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8, and the Americans with Disabilities Act and implementing regulations at 28 CFR parts 36 as applicable. Specifically, a minimum of five percent of units must be accessible for individuals with mobility disabilities and an additional two percent of units must be accessible for individuals with vision and hearing disabilities. See 24 CFR 8.22. Properties must also meet the design and construction requirements of the Fair Housing Act and implementing regulations at 24 CFR part 100. However, Section 811 PRA assisted units can consist of a mix of designated accessible mobility UFAS (Section 504) units, designated accessible vision/hearing UFAS (Section 504) units, and non-UFAS accessible units.

**13. Compliance with Fair Housing and Civil Rights Laws.** Grantees and owners of eligible properties must comply with fair housing and civil rights requirements. In addition, grantees will be required to certify that they comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age



Discrimination Act of 1975, and Title II or III of the Americans with Disabilities Act, as applicable.

**14. Full Disclosure of Available Housing.** Grantees and/or owners must provide full disclosure to each applicant of a Section 811 PRA unit of all options available to them in the selection of the property in which to reside, including basic information about available sites (e.g., location, number and size of accessible units, access to transportation and commercial facilities) and an estimate of the period the applicant would likely have to wait to be admitted to units of different sizes and types (e.g., regular or mobility accessible, vision/hearing accessible, or unit with accessible features) at each site. If an accessible unit is unavailable, an individual with a disability can choose to reside in a non-accessible unit. In such occurrences, owners are still required to provide reasonable accommodations to qualified individuals with disabilities, which includes structural modifications to existing dwelling units, public use and common use areas, to make effective use of the Grantee's program.

**15. Effective Communication.** Grantees must ensure that all communications are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and, as applicable, the Americans with Disabilities Act. This includes providing information in accessible electronic formats, information in alternative formats, and auxiliary aides and services. See 24 CFR 8.6.

**16. Limited English Proficiency (LEP).** Executive Order (E.O.) 13166 seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have LEP. Grantees must take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD 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). Grantees must conduct a four-factor analysis of language needs for the jurisdiction(s) served, implement a language implementation plan for written and oral language interpretation, train staff members on LEP, and translate vital documents in target language(s).

**17. Davis-Bacon Labor Standards.** All laborers and mechanics (other than volunteers under the conditions set out in 24 CFR part 70) employed by contractors and subcontractors in the construction (including rehabilitation) of housing with 12 or more units assisted under this NOFO shall be paid wages at rates not less than those prevailing in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 3141 et seq.). Contracts involving employment of laborers and mechanics shall be subject to the provisions of the Contract Work Hours and Safety Standards Act (CWHSSA) (40 U.S.C 3701 et seq.). Owners of Multifamily Properties, contractors and subcontractors must comply with all related rules, regulations, and requirements. Applicants shall be responsible for ensuring inclusion of appropriate contract provisions, monitoring to ensure compliance, and correction of violations in accordance with HUD guidance. Projects where construction is fully complete before an application is submitted to the Grantee to receive assistance under the Section 811 PRA are not subject to Davis-Bacon or CWHSSA requirements, except to the extent that the project is also assisted under another federal program that is subject to such requirements (e.g., the HOME program). In accordance with U.S. Department of Labor regulations at 29 CFR 1.6(g), if a project is approved by an Applicant to receive Section 811 PRA assistance after a contract for

construction of the project has been awarded (or after the beginning of construction where there is no contract award) but before completion of construction, the state housing agency shall require that the wage determination effective on the date of award (or beginning of construction) be incorporated into the construction contract retroactively to the date of award or beginning of construction. Grantees may request the HUD Office of Davis-Bacon and Labor Standards to seek approval from the U.S. Department of Labor for the incorporation of a wage determination to be effective on the date of the state housing agency's approval of Section 811 PRA assistance for the project. Such approval may be granted only where there is no evidence of intent to apply for the federal assistance for the project prior to contract award or start of construction.

**18. Energy and Water Conservation.** At a minimum, energy efficiency strategies and water conservation appliances and fixtures must be incorporated in the design, construction, and operation of all new construction and substantial (gut) rehabilitation projects. For further assistance, Applicants can access the report, "Enhancing Energy Efficiency and Green Building Design in Section 202 and Section 811 Programs", at [https://www.huduser.gov/portal/pdredge/pdr\\_edge\\_featd\\_article\\_062411.html](https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_062411.html). The report was developed to assist Applicants in responding to this requirement as well as to inform them about other green building standards.

a. **Energy Efficiency.** Owners of new construction and substantial rehabilitation low-rise (up to 3 stories) Multifamily Properties must meet the requirements of EPA's ENERGY STAR Qualified Homes at the time of Grantee award, unless the Grantee has a higher standard. Mid-Rise & High-Rise developments (4 or more stories) must meet the requirements of the ENERGY STAR Qualified Multifamily High-Rise Buildings at the time of Grantee award unless the Grantee has a higher standard. Any state energy code requirements will take precedence over ENERGY STAR specifications when the state code approximates or exceeds that standard. More information concerning this requirement can be found at [http://www.energystar.gov/index.cfm?c=bldrs\\_lenders\\_raters.pt\\_bldr](http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.pt_bldr) or specific questions can be emailed to [energystar\\_homes@energystar.gov](mailto:energystar_homes@energystar.gov). To learn more about ENERGY STAR qualified multifamily high-rise buildings, [https://www.energystar.gov/partner\\_resources/residential\\_new/program\\_reqs/mfhr](https://www.energystar.gov/partner_resources/residential_new/program_reqs/mfhr)

b. All new construction and substantial rehabilitation projects must purchase and install ENERGY STAR-labeled appliances.

c. **Water Conservation Fixtures.** Installation of water-conserving fixtures is required in all new and substantially rehabilitated developments (i.e. resource efficient plumbing and appliances such as low flow shower-heads and faucet and high efficiency toilets). The materials used should be the most current WaterSense or a greater water efficiency product. More information is available at <https://www.epa.gov/watersense/using-water-efficiently>.

**19. Housing Standard for Section 811 PRA Assisted Units.** All Section 811 PRA units must meet local and state housing code, ordinances, and zoning requirements and minimum requirements set forth in the [National Standards for the Physical Inspection of Real Estate: Inspection Standards](#). For more information, visit [REAC's NSPIRE website](#).

**20. Site Selection and AFFH Obligation.** When selecting property sites, Grantees must take into consideration historic and existing patterns of segregation and select sites that meet their obligation to affirmatively further fair housing. Grantees are encouraged to site housing in

locations that 1) do not perpetuate patterns of segregation; 2) avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons and persons of color; and 3) remove barriers to affordable housing for persons with disabilities by being located in well-resourced neighborhoods of opportunity.

**21. Environmental Requirements and Environmental Assurance.** As HUD does not approve program funding for specific activities or projects of the Applicants in the 811 PRA program, it will not perform environmental reviews on such activities or projects. However, to ensure that the tenets of HUD environmental policy and the requirements of applicable statutes and authorities are met, Applicants selected for funding will be required to implement the following analysis and determinations for specific program activities and projects unless:

- The property is existing, is currently HUD-assisted or HUD-insured, and will not engage in activities with physical impacts or changes beyond routine maintenance activities or minimal repairs, or
- The project already has environmental clearance under 24 CFR Part 50 or Part 58 (see note below).

For projects that do not meet one of the above exceptions, the Applicant's signature on the application shall constitute an assurance that the applicant, if selected, will implement the requirements below, as applicable to existing and new projects. If, at the time that a project applies for PRA assistance, the project is under construction or being rehabilitated and work has progressed beyond a stage of construction where modifications can be undertaken to avoid the adverse environmental impacts addressed by the requirement, the project shall not be subject to the environmental requirements applicable to new construction or rehabilitation, but shall be subject to the remaining environmental requirements. Citations to authorities in the following paragraphs are for reference only; to the extent that property standards or restrictions on the use of properties stated in the following paragraphs are more stringent than provisions of the authorities cited, the requirements stated in the following paragraphs shall control:

**NOTE: Projects that include funding from other HUD programs (such as HOME) or that have mortgage insurance through FHA can use the environmental clearance under those programs in lieu of PRA NOFO requirements as long as the environmental reviews were completed within 5 years and the project description covers the units proposed to be assisted by the PRA.**

**a. Site Contamination** (24 CFR 50.3(i)). It is HUD policy that all properties for use in HUD assisted housing be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property (24 CFR 50.3(i)(1)). Therefore, projects applying for assistance shall:

(1) Assess whether the site (i) is listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list; (ii) is located within 3,000 feet of a toxic or solid waste landfill site; (iii) has an underground storage tank other than a residential fuel tank; or (iv) is known or suspected to be contaminated by toxic chemicals or radioactive materials. If none of these conditions exists, a letter of finding certifying these findings must be submitted and maintained in the site's environmental record. If any of these

conditions exist, the grantee must provide an ASTM Phase I Environmental Site Assessment (ESA) in accordance with ASTM E 1527-13 (or the most recent edition); OR

(2) Provide a Phase I ESA in accordance with ASTM E 1527-13 (or the most recent edition).

**NOTE: A Phase I ESA which complies with these standards and was prepared within the Phase I ESA continuing viability timeframe for the acquisition of the property or a real estate transaction (construction, rehabilitation, or refinancing) for the property, will be deemed acceptable.**

If a Phase I ESA is conducted and the Phase I ESA identifies Recognized Environmental Conditions (RECs), a Phase II ESA in accordance with ASTM E 1903-11 (or the most recent edition) shall be performed. Any hazardous substances and/or petroleum products that are identified at levels that would require clean-up under State policy shall be so cleaned up in accordance with the State's clean-up policy. Risk-Based Corrective Actions are permitted if allowed for under a State's clean-up policy.

**b. Historic Preservation** (54 U.S.C. 300101 et seq.)

(1) As the various States, Territories, Tribes and municipalities have established historic preservation programs to protect historic properties within their jurisdiction, all work on properties identified as historic by the State, Territory, Tribe, or Municipality, as applicable, must comply with all applicable State, territorial, and tribal historic preservation laws and requirements and, for projects affecting locally designated historic landmarks or districts, local historic preservation ordinance and permit conditions.

(2) In addition, all work on properties listed on the National Register of Historic Places, or which the Eligible Applicant knows are eligible for such listing, must comply with "The Secretary of the Interior's Standards for Rehabilitation." Complete demolition of such properties would not meet the Standards and is prohibited.

(3) On site discoveries. If archaeological resources and/or human remains are discovered on the project site during construction, the recipient must comply with applicable State, tribal, or territory law, and/or local ordinance (e.g., State unmarked burial law).

**c. Noise (24 CFR part 51, Subpart B - Noise Abatement and Control).** All activities and projects involving new construction shall be developed to ensure an interior noise level of 45 decibels (dB) or less. In this regard, and using the day-night average sound level (Ldn), sites not exceeding 65 dB of environmental noise are deemed to be acceptable; sites above 65 dB require sound attenuation in the building shell to 45 dB; and sites above 75 dB shall not have noise sensitive outdoor uses (e.g. picnic areas, tot lots, or patios) situated in areas exposed to such noise levels.

**NOTE: Balconies are allowed as per** Notice CPD-16-19: Balcony Policy Under 24 CFR 51, Subpart B as it Applies to Parts 50 and 58 Regarding Building Facades Exposed to Noise.

**d. Airport Clear Zones (24 CFR part 51, Subpart D - Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields).** No activities or projects shall be permitted within the "airport clear zones"

or the “accident potential zones” of military airfields or the runway protection zones of civilian airports.

**e. Coastal Zone Management Act (16 U.S.C. 1451 et seq.).** Activities and projects shall be consistent with the appropriate state coastal zone management plan. Plans are available from the local coastal zone management agency.

**f. Floodplains (Executive Order 11988; Flood Disaster Protection Act (Public Law 93-234); National Flood Insurance Reform Act (P.L. 108-264)).** No new construction activities or projects shall be located in the mapped 100-year floodplain according to FEMA’s best available data, which may be Advisory Base Flood Elevations (ABFEs), Preliminary Flood Insurance Rate Maps (P-FIRMs), or Flood Insurance Rate Maps (FIRM). New construction activities are also prohibited in the mapped 500-year floodplain unless the Applicant determines that there are no alternatives outside of the 500- year floodplain within the metropolitan area, with access to transportation and services. Existing structures and structures in the 500-year floodplains where there are no alternatives may be assisted in either the 100-year or 500-year floodplain, except for sites located in coastal high hazard areas (V Zones) or regulatory flood- ways, but must meet the following requirements:

- (1) The existing structures must be flood-proofed or must have the lowest habitable floor and utilities elevated above both the 500-year floodplain and the 100-year floodplain according to FEMA’s best available data.
- (2) The project must have an early warning system and evacuation plan that includes evacuation routing to areas outside of the applicable floodplains.
- (3) Project structures in the 100-year floodplain according to FEMA’s best available data must obtain flood insurance under the National Flood Insurance Program. No activities or projects located within the 100-year floodplain may be assisted in a community that is not participating in or has been suspended from the National Flood Insurance Program.

**g. Wetlands (Executive Order 11990).** No new construction shall be performed in wetlands. No rehabilitation of existing properties shall be allowed that expands the footprint such that additional wetlands are destroyed. New construction includes draining, dredging, channelizing, filling, diking, impounding, and related grading activities. The term wetlands is intended to be consistent with the definition used by the U.S. Fish and Wildlife Service in Classification of Wetlands and Deep Water Habitats of the United States (Cowardin, et al., 1977). This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements.

**h. Siting of Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature (24 CFR part 51, Subpart C).** Un-shielded or unprotected new construction sites shall be allowed only if they meet the standards of blast over-pressure (0.5psi – buildings and outdoor unprotected facilities) and thermal radiation (450 BTU/ft<sup>2</sup> -hr – people, 10,000 BTU/ft<sup>2</sup> -hr – buildings) from facilities that store, handle, or process substances of explosive or fire prone nature in stationary, above ground tanks/containers. Containers used to hold liquefied petroleum gas with a volumetric capacity not to exceed 1,000 gallons water capacity are acceptable if they comply with the National Fire Protection

Association (NFPA) Code 58 (Liquefied Petroleum Gas Code) (2017) (incorporated by reference, see § 51.200(b)).

**i. Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).** New construction shall not be permitted that would result in a taking of endangered plant or animal species as listed under the Endangered Species Act of 1973. Taking includes not only direct harm and killing but also modification of habitat. Maps for listed species and geographic habitat by state can be found at: [Environmental Conservation Online System](#)

**j. Farmland Protection (7 USC 4201 et seq.).** New construction shall not result in the conversion of unique, prime, or otherwise productive agricultural properties to urban uses.

**k. Sole Source Aquifers (Section 1424(e) of the Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349)).** Any new construction activities and projects located in federally designated sole source aquifer areas (SSAs) shall require consultation and review with the U.S. Environmental Protection Agency. Information regarding location and geographic coverage of the 73 federally designated SSAs can be found at: [Federally Designated SSA's](#).

**22. Coastal Barrier Resources Act.** Grantees must adhere to the Coastal Barrier Resources Act which prohibits activities or projects in Coastal Barrier Resource System (CBRS) units. CBRS units are mapped and available from the Fish and Wildlife Service at: <https://www.fws.gov/program/coastal-barrier-resources-act>

**23. Flood Insurance. (Flood Disaster Protection Act of 1973 ((Public Law 93-234, as amended)).** Project structures in the 100-year floodplain must obtain flood insurance under the National Flood Insurance Program. No activities or projects located within the 100-year floodplain may be assisted in a community that is not participating in or has been suspended from the National Flood Insurance Program.

**24. Program Income.** Eligible Applicant must have knowledge and experience to identify and account for program income as defined in 2 CFR 200.1.

**25. Procurement of Recovered Materials.** Requirements for the procurement of recovered materials apply to this program as described in 2 CFR 200.323.

**26. Period of Performance.** The period of performance shall begin with the execution date of the Cooperative Agreement and terminate on the expiration date of the Grantee's very last Rental Assistance Contract (RAC), but not less than 20 years.

**27. HUD's Electronic Line of Credit Control System.** Eligible Applicants must be eligible to acquire rights and access under HUD's Electronic Line of Credit Control System (eLOCCS) as approved by HUD. This is the sole mechanism for drawing funds.

**28. Uniform Administrative Requirements.** All States, Territories, Urban Counties, and Metropolitan cities receiving funds under this NOFO shall be subject to the requirements of 2 CFR part 200.

**29. Program Evaluation.** As a condition of the receipt of financial assistance under this NOFO, all Grantees will be required to cooperate with HUD, Department of Health and Human Services (HHS), and Centers for Medicare & Medicaid Services (CMS), or any contractors affiliated with HUD, HHS, and CMS in the evaluation of this program. The authorizing legislation requires HUD to submit regular Reports to Congress on the implementation and effectiveness of the

Section 811 PRA Program. In addition to ensuring that HUD can respond to this reporting requirement, HUD is also interested in collecting evidence to demonstrate the extent to which the program meets the expected outcomes of the program, as listed earlier in the NOFO within Section I.A.1. Purpose of the Program. HUD may pursue the option to fund a rigorous independent evaluation of this program, or HUD may choose to utilize existing administrative data and data submitted by grantees on the quarterly and annual reports to assess the effectiveness of the program.

### **Advancing Racial Equity**

In accordance with Executive Order [13985](#), *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and federal fair housing and civil rights laws, you must submit a narrative demonstrating the following:

- You analyzed the racial composition of the persons or households who are expected to benefit from your proposed grant activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed grant activities;
- You detailed the steps you will take to prevent, reduce or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your grant activities.

Note that any actions taken in furtherance of this section must be consistent with federal nondiscrimination requirements.

Applicants should provide their narrative addressing all four bullets above. **Applicants should provide their response in Attachment A.** This narrative will not count toward the 30-page limit, however, this narrative must not exceed 1 page. This is a **mandatory requirement**.

### **Affirmative Marketing**

You must submit a narrative demonstrating that the housing, services, or other benefits provided under this grant will be affirmatively marketed broadly throughout the local area and nearby areas to any demographic groups that would be unlikely or least likely to apply absent such efforts. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Such activities may include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. Documentation for this factor consists of a narrative describing the activities that will fulfill the factor requirements.

**Applicants should provide their narrative about Affirmative Marketing in Attachment B.** This will not count toward the 30-page limit, however, the narrative should not exceed 1 page. This is a **mandatory requirement**.

#### **G. Criteria for Beneficiaries.**

**Eligible Tenants** are extremely low-income households where at least one person must be an individual who has a disability. The person must be at least 18 years old, but less than 62 at the time of admission into the property. The person with the disability must be eligible for community-based, long-term services as provided through Medicaid waivers, Medicaid state plan options, state-funded services or other appropriate services related to the target population (e.g., persons who are institutionalized, at serious risk of institutionalization, homeless, at risk of homelessness) under the Inter-Agency Partnership Agreement, as described in Section III.D.3.

### **IV. APPLICATION AND SUBMISSION INFORMATION**

#### **A. Obtain an Application Package**

##### **Instructions for Applicants**

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not a good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if you fail to submit to HUD in writing or via email a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

811 PRA Grant Team

Email:

811PRANOFO@HUD.GOV

HUD Organization:

OAMPO

Street:

451 7th Street, SW

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

20410



If you cannot submit your application electronically, you **must ask in writing for a waiver** of the electronic grant submission requirements. **HUD will not grant a waiver if HUD does not receive your written request, either via mail or email, at least 15 days before the application deadline and if you do not demonstrate good cause.** If HUD waives the requirement, HUD must receive your paper application **before** the deadline of this NOFO.

To request a waiver you must contact:  
 811 NOFO Team  
 Email: [811PRANOFO@HUD.GOV](mailto:811PRANOFO@HUD.GOV)  
 Grants and New Funding Branch  
 Office of Asset Management and Portfolio Oversight  
 Office of Multifamily Housing  
 451 7th ST SW, Room 6150  
 Washington, DC 20410

**B. Content and Form of Application Submission**

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, under the wrong Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, unless otherwise stated under the Threshold requirements section.

**1. Content**

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Application for Federal Assistance (SF-424)	This form is required.	Review section IV.B.2. of this NOFO for detailed submission requirements
Applicant and Recipient Assurances and Certifications (HUD 424-B)	This form is required.	Review section IV.B.2. of this NOFO for detailed submission requirements
Applicant/Recipient Disclosure/Update Report (HUD 2880)	This form is required.	Review section IV.B.2. of this NOFO for detailed submission requirements

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Disclosure of Lobbying Activities (SF-LLL)	Review section IV.G. of this NOFO for detailed submission requirements.	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.
Certification of Lobbying Activities	This form is required.	
Standard Form 424A (SF-424A):	Applicants must provide a complete and detailed budget for the total performance period of the expected award through the submission of the SF-424A. The data submitted on the SF-424A form will inform the expected financial assistance award for this NOFO.	For the budget recorded on form SF-424A, provide a breakdown of the aggregate numbers detailing their allocation to each activity. The budget must also include a yearly breakdown of costs for each activity. In addition to the SF-424A form instructions available on <a href="https://www.grants.gov">grants.gov</a> , applicants should use <a href="#">Appendix I. HUD’s Guidance for Preparing a Budget Request</a> in this

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
		NOFO, to complete the SF-424A.
Detailed Budget, HUD Form 424 CB OR CBW Submit under Tab 5	<b>MUST BE PROVIDED</b>	Instruction for completing preparing the budget can be found on the form.
Abstract/(including Narrative for Rating Factor 1) Respond under Tab 1	Applicant(s)'s Other Housing Agencies Description of Relevant Experience.. Describe your, the co-applicant and any other participant's housing program experience. All participants should demonstrate recent (within five (5) years) and relevant experience directly related to the financing and management of affordable multifamily housing units, particularly those units that house persons with disabilities.	Section V.A.1, Rating Factor 1
Inter-agency Partnership Agreement Submit under Tab 5	<b>THRESHOLD REQUIREMENT!</b>	Section III.A.1 and III.D.3 for Program Specific Threshold Requirements regarding this document
Narrative detailing Need/Using Housing as Platform for Improving of Life Submit under Tab 2	All points outlined in the Rating Factor <b>MUST</b> be addressed. Justify your request.	Section V.B.2, Rating Factor 2
Narrative detailing Soundness of Approach/Implementation Plan Respond under Tab 3	The plan must address all points outlined in the Rating Factor.	Section V.B.3, Rating Factor 3

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
<p>Narrative detailing Achieving Results, Program Innovation and Evaluation</p> <p>Respond under Tab 4</p>	<p>All points outlined in the Rating Factor <b>MUST</b> be addressed</p>	<p>Section V.B.4, Rating Factor 4</p>
<p>Letters of Intent</p> <p>Submit under Tab 5</p>	<p>The <b>SF 424B</b> may include commitment letters or letters of intent. The letters must be on company letterhead and signed by an authorized official</p>	<p>Section.I.A.4, Program Definitions</p>
<p>NOTE: Regarding the <b>SF 424B</b></p> <p>Submit under Tab 5</p>	<p><b>SF 424B</b> or <b>SAM.gov</b>: <a href="#">OMB memorandum M-18-24</a> required Federal agencies to the phase out use of the SF 424B in funding opportunity announcements (e.g., NOFOs, Notices). Effective January 1, 2020, sam.gov became the central repository for common government-wide certifications and representations required of award recipients. This means, the certification and assurance language from the SF 424B can be found under the Federal Assistance Representations and Certifications (Reps and Certs) section of each applicant's sam.gov, if properly completed</p>	<p>Either the SF 424B must be submitted with your application OR sam.gov. must be used.</p>
<p>Advancing Racial Equity</p>	<p>Submit Narrative response to Advancing Racial Equity</p>	<p>Submit as Attachment A</p>
<p>Affirmative Marketing Requirement</p>	<p>Submit response to Affirmative Marketing</p>	<p>Submit as Attachment B</p>

**C. You Must Download Both the Application Instruction and the Application Package from [Grants.gov](#).**

Verify that the Assistance Listing Number and Description on the first page of the Application

Package, and the Funding Opportunity Title and the Funding Opportunity Number match the Program and NOFO to which you are applying. The application package contains the portable document forms (PDFs) available on [Grants.gov](https://www.grants.gov), such as the SF-424 Family. The Instruction Download contains official copies of the NOFO and forms necessary for a complete application. The Instruction Download may include Microsoft Word, Microsoft Excel and additional documents. An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. For example, a lack of available internet access in the geographic area in which your business offices are located. **Lack of SAM registration or valid UEI is not deemed good cause.** Submission of an application that is otherwise sufficient, under the wrong Assistance Listing and Funding Opportunity Number is not a curable deficiency.

### **Review and Selection Process.**

HUD may reduce scores as specified under V, A. Review Criteria. Whenever possible, HUD will obtain past performance information.

#### **1. Assessing Applicant Risk.**

In evaluating risks posed by applicants, HUD may use a risk-based approach, and may consider any items such as the following:

- Financial stability
- Quality of management systems and ability to meet the management standards prescribed in this part
- History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards
- Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

#### **2. Application Screening**

**a. Threshold Requirements.** To be rated, ranked, and considered for funding, all applications must meet all threshold requirements of this NOFO. Applicants must demonstrate compliance with the threshold requirements through the information provided in their application. If an application does not meet all threshold requirements, HUD will not consider the application to be eligible for funding and will not rate or rank the application.

**b. Curable Deficiencies.** HUD will screen the applications for deficiencies that do not affect an Applicant's score (not substantive) and administer a cure period to allow the applicant to submit the missing document(s). Curable (correctable) deficiencies include:

1. Inconsistencies in the funding request
2. Failure to submit the proper certifications (e.g., form HUD-2880)

3. Failure to submit a signatures and/or dates of signature on a certification.

**NOTE: Stated Threshold Requirements are NOT curable deficiencies.**

Clarifications or corrections of non-substantial deficiencies must be submitted within **five (5) business days** (i.e. excluding Saturdays, Sundays and federal holidays) of the **date of the deficiency notification**. *If an applicant does not cure all its correctable deficiencies within the stated .cure period, HUD will not consider the application to be eligible for funding, and will not rate or rank the application.*

**Applicants must review and follow documentation requirements provided in the Thresholds Requirements Section.** All required forms, certifications and assurances **must** be included in the Section 811 PRA application.

### **Rating and Ranking.**

#### **a. Rating.**

1. Reviewers will rate each eligible application, SOLELY based on the rating factors described in section V, A of this NOFO.
2. Reviewers will rate each eligible application based on the information provided by the applicant in the application package.
3. HUD will assign a score for each rating factor and a total score for each eligible application.
4. The maximum number of points for each application is 100.

**b. Ranking.** After review, applications will be ranked in score order. Applications that receive a minimum score of 75 points or more and meet the applicable threshold requirements of this NOFO are eligible for selection. Applications that score less than 75 will not be considered for funding. HUD will make award determinations by selecting the highest rated applications and fund applications in rank order until all funding has been exhausted.

## **2. Format and Form**

Narratives and other attachments to your application must follow the following format guidelines. Do not submit password protected or encrypted files.

30 Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides

**Format:** Application must not exceed 30 pages. Pages, other than for supporting documentation, should have 1-inch margins, Times New Roman font, and 12-point size. Page limits do not include documentation in other tabs which are cross-referenced in the narrative. All narrative pages must be numbered and organized by tab section. Please see Section IV.B.1. Applicants must use 8 1/2 x 11-inch layout. No more than one page of text may be placed on one page; i.e., you may not shrink pages to get two or more on a page. Shrunken pages, or pages where a minimized/reduced font is used, will be counted as multiple pages. Please do not use end notes or footnotes and do not format your narrative in columns. Pages with text in columns will be

counted as two pages. The maximum page limits, where applicable, are indicated below for each of the required narratives and supporting documents.

**Content of Application and Identification of Documents:** A complete application must include all the information, materials, forms and documents listed above, as applicable. If a specific item does not apply to your application, it will be helpful to include a page that states “not applicable” in the items place, along with the reason why the item is not applicable, however, this is not a requirement.

## **C. System for Award Management (SAM) and Unique Entity Identifier (UEI)**

### **1. SAM Registration Requirement**

You must register with <https://www.sam.gov> before submitting their application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

### **2. UEI Requirement**

As of April 4, 2022, entities doing business with the federal government must use the UEI created in SAM.gov. Also, you must provide a valid UEI, registered and active at [www.sam.gov](http://www.sam.gov) in the application. For more information, see: <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>.

### **3. Requirement to Register with Grants.gov**

Anyone planning to submit applications on behalf of an organization must register at Grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through Grants.gov. Complete registration instructions and guidance are provided on Grants.gov.

## **D. Application Submission Dates and Times**

### **1. Application Due Date Explanation**

The application deadline is 11:59:59 PM Eastern time on 02/12/2024

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

“Validated by Grants.gov” means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the dropdown list. If the application status is “rejected with errors,” you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in “rejected with errors” status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you submit your applications at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

## **2. Grants.gov Customer Support**

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to [support@grants.gov](mailto:support@grants.gov). The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

## **3. Grants.gov Application Submission**

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column. To view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or 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.



HUD may also extend the application deadline upon request if there is a presidentially declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also publish the extension on Grants.gov.

In determining whether to grant a request for an extension based on a presidentially declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**NOTE:** Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

#### **4. Amending or Resubmitting an Application**

Before the submission deadline, you may amend a validated application through Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

#### **5. Grace Period for Grants.gov Submissions**

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

#### **6. Late Applications**

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding

consideration. Improper or expired registration and password issues are not sufficient causes to allow HUD to accept applications after the deadline date.

#### **7. Corrections to Deficient Applications**

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

You must email corrections of Curable Deficiencies to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong UEI as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

## **8. Authoritative Versions of HUD NOFOs**

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

## **9. Exemptions**

Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the [Religious Freedom Restoration Act](#) (RFRA).

Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal. HUD is prohibited from disclosing 1) information regarding any applicant's relative standing, 2) the amount of assistance requested by an applicant, and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

**For Further Information Regarding this NOFO:** Please direct questions regarding the specific program requirements of this NOFO to the office contact identified in Section VII.

## **E. Intergovernmental Review**

This program is subject to [Executive Order 12372, Intergovernmental Review of Federal Programs](#). [Executive Order 12372](#) allows each state to designate an entity to perform a state review function. To determine if your state has designated a State Point of Contact (SPOC),

please see the [SPOC List at OMB](#). States not listed on the website have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your state has a SPOC, you should contact the SPOC to see if that person/office is interested in reviewing your application before you submit it to HUD.

## **F. Funding Restrictions**

Section 811 Project Rental Assistance Funds may only be used to reimburse eligible apartment owners per the terms of their executed Rental Assistance Contracts. Any other use of these funds is strictly prohibited.

The maximum eight percent (8%) Administrative Cost funds are solely to be used to reimburse the grantee for administrative costs associated with the administration of the 811 PRA grant. Any other use of these funds is strictly prohibited.

### **Indirect Cost Rate**

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in [Appendix VII to 2 CFR part 200](#).

If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with [2 CFR Part 200, Appendix VII](#), you may use the rate and distribution base specified in that indirect cost rate proposal.

Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate, you may elect to use the de minimis rate of 10% of MTDC. As described in [2 CFR 200.403](#), costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until your department or agency chooses to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

## **G. Other Submission Requirements**

### **1. Standard Application, Assurances, Certifications and Disclosures**

#### **Standard Form 424 (SF-424) Application for Federal Assistance**

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary Federal grants, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an

assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. 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, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

### **Assurances (HUD 424-B)**

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.*, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general federal nondiscrimination requirements in the administration of the federal assistance award.

### **Applicant Disclosure Report Form 2880 (HUD 2880)**

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the [HUD Reform Act](#). Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. 1437f](#)). [See HUD Reform Act regulation for additional information.](#)

### **Code of Conduct**

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#), as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of](#)

[Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

### **Affirmatively Furthering Fair Housing**

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations, and how applicants will meet the requirements of the definition of AFFH at 24 CFR 5.151. Applicants may propose activities that are consistent with their jurisdiction's Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an AFH, the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

In Section V, Application Review Information, under **Rating Factor 3. Soundness of Approach/Implementation Plan, Item 5**, your application should explain how your proposed program activities will contribute to Affirmatively Furthering Fair Housing.

## **2. Other Program-Specific Requirements**

### **Standard Form 424A (SF-424A): Budget Information for Non-Construction Programs**

Applicants must provide a complete and detailed budget for the total performance period of the expected award through the submission of the SF-424A. For the budget recorded on form SF-424A, provide a breakdown of the aggregate numbers detailing their allocation to each activity. The budget must also include a yearly breakdown of costs for each activity. In addition to the SF-424A form instructions available on Grants.gov, applicants should use [Appendix I. HUD's Guidance for Preparing a Budget Request](#) in this NOFO, to complete the SF-424A. The data submitted on the SF-424A form will inform the expected financial assistance award for this NOFO. All costs charged to awards made as a result of this funding announcement must be allowable, allocable, and supported by adequate documentation, consistent with applicable cost principles.

3. Refer to 2 C.F. R. 200, Subpart E for additional information regarding applicable cost principles.

## **V. APPLICATION REVIEW INFORMATION**

### **A. Review Criteria**

#### **MINIMUM SCORE**

Applications that receive a minimum score of 75 points or more and meet the applicable threshold requirements of this NOFO are *eligible* for funding. Applications that score less than 75 will not be considered.

#### **RATING FACTORS**

There are four rating factors for this funding opportunity. Eligible applicants should review the factors carefully and respond specifically to each one. If an item does not apply to your specific application, please notate N/A and explain why.

## **RATING CRITERIA**

The maximum number of points to be awarded for the Section 811 PRA program is 100.

**Rating Factor 1:** Applicant's and State Health and Human Service/Medicaid Agencies' Relevant Experience, Capacity, and Readiness

Maximum Points: 33

**Rating Factor 2:** Need/Using Housing as a Platform for Improving Quality of Life

Maximum Points: 5

**Rating Factor 3:** Soundness of Approach/Implementation Plan

Maximum Points: 55

**Rating Factor 4:** Achieving Results, Program Innovation and Evaluation

Maximum Points: 7

### **1. Rating Factors**

**Rating Factor 1: Applicant and State Health and Human Service/Medicaid Agencies Relevant Experience, Capacity, and Readiness**

**Respond under Tab 1**

**Maximum Points: 33**

The applicant and the State Health and Human Services/Medicaid Agency or Agencies must each demonstrate their ability, capacity, and readiness to undertake the proposed activities of the Program, use the award successfully, and maintain compliance with the grant terms. For Rating Factor 1, the applicant **must** provide an Abstract in the application under Tab A.

**(1). Abstract Content.** The information in the Abstract should not be more than 7 pages. The following elements below should be addressed:

1. Total dollars of Section 811 PRA funds requested by the applicant, including the percentage and amount of the administrative fee

2. Number of units to be funded with the PRA funds

3. Name of the applicant

4. Mailing address, including city, state, and zip code

5. Name of the Director or CEO

6. Applicant's primary contact's name, title, email address and phone number

7. Name, title and contact information of the primary contact at the State Health and Human Service Agency and the name, title, and contact information for the primary contact at the State Medicaid Agency identified in the Partnership Agreement

**A. Applicant's Relevant Experience, Capacity, and Readiness (up to 18 points).**

**(1.) Applicant(s)'s Description of Relevant Experience (up to 3 points).** Describe your, the co-applicant and any other participant's housing program experience. All participants should demonstrate recent (within five (5) years) and relevant experience directly related to the financing and management of affordable multifamily housing units, particularly those units that house people with disabilities, and compliance with Section 504 accessibility requirements. Provide specific information relating to experience in leveraging resources to support affordable housing programs, funding and maintaining permanent, supportive housing for persons with disabilities, and experience in managing properties that provide supportive services. Applicant(s) should also describe their experience promoting racial equity and providing resources to effectively meet the needs of underserved communities, particularly Black and Brown communities as required in Section V.B. List specific, detailed examples of the experience that your organization has in providing supportive housing, especially for persons with disabilities.

If you are partnering with another housing agency as a co-applicant, describe the co-applicant's program experience with the details discussed above and include a joint letter, agreement or Memorandum of Understanding (MOU) to the application.

**a. Compliance and Monitoring Experience (up to 4 points).** Describe applicant's experience in managing programs that have a portfolio of properties with similar program requirements to the 811 PRA program. Outline how you currently monitor program compliance. The monitoring experience should include physical inspections and occupancy and management reviews. Describe the applicant's and co-applicant's ability and to successfully implement proposed activities of the grant, including successfully managing financial resources, its technical expertise in providing affordable housing, utilizing and maintaining effective reporting systems, and other experience associated with the activities related to this grant. To receive maximum points, applicants must demonstrate substantial experience in assessing the management of affordable housing programs and experience in providing effective oversight of permanent, affordable housing programs that target vulnerable populations with community-based long-term supportive services.

**b. Management of Affordable Multifamily Rental Housing (up to 4 points).** In this narrative, provide a brief description of all affordable multifamily rental housing programs your agency is responsible for managing and overseeing. Please include the number of grants for affordable housing awarded over the last three (3) years, the total amount of the award(s) and type of subsidy funding or financing provided for the housing. Also specify the number of assisted and non-assisted units in each property (if different from total units in property). Any co-applicant must also provide this information.

**c. Leadership and Key Staff's Capacity (up to 2 points).** Outline the specific tasks that the applicant and other participants will undertake and be responsible for managing relating to the grant. Identify and describe the applicant's leadership team that will be integral to implementation of the program. Describe the roles and responsibilities of each of the key staff responsible for this program. Include a specific description of how many full-time staff from other agencies will be tasked with operating this program. Specify the agency and their specific tasks. The tasks should include responsibilities related to coordinating outreach, referral, and application processes with the State Health and Human Service Agency/Medicaid Agency.

**d. Managing Section 8 Project-based Rental Assistance programs using HUD’s Tenant Rental Assistance Certification System (TRACS) (up to 5 points).** This section **must** include a detailed description of the applicant’s and/or co-applicant’s experience administering HUD Multifamily project-based Section 8 programs, including previous experience in administering the 811 PRA program, if applicable. Selected grantees will be required to use TRACS to administer the Section 811 PRA program. **To receive maximum points, the applicant must have at least ten (10) years of experience administering project-based Section 8 programs, with five (5) years of that experience occurring in the last five (5) years.** Applicants with minimal to no TRACS experience must agree to contract with another entity such as a **Performance Based Contract Administrator (PBCA), Technical Assistance Contractor (TAC),** or a private entity that has at least 10 years experience in using TRACS, with five (5) years of experience occurring within the last five (5) years. Failure to do so will result in the award being rescinded. If the applicant is contracting with another entity to perform this task, the application must include a letter of intent or a MOU. Applicants may substitute the identified PBCA or other contractor after the award, **only with HUD approval.** Applicants should describe their actual experience, or the experience of the contracted entity, in using TRACS to performing tasks related to the administration of project-based Section 8 properties, including the following:

1. Examples of managing a portfolio of affordable multifamily housing units that specifically includes a HUD Multifamily project-based Section 8 program. **(NOTE: This experience can include serving as a PRA Grantee, PBCA, TAC or a third-party contractor with extensive experience managing project-based Section 8 programs).**
2. Dates of experience

**B. State Health and Human Service/Medicaid Agency's Relevant Experience and Capacity (up to 15 points)**

**(1) General Experience (up to 8 points).** The State Health and Human Services/Medicaid agencies that are parties to the grant application must include information about their management and the key staff who are responsible for the program administration in the partnership. Describe the State Health and Human Service/Medicaid agency's capacity to successfully implement proposed activities, including necessary financial resources, technical expertise, reporting systems, and other experience associated with proposed grant activities. The State should demonstrate its experience in providing long-term services and support networks to persons with disabilities living in or transitioning to the community. Applicants must demonstrate that they have an acceptable home and community-based services infrastructure, including the capacity to conduct person-centered needs assessments, provide adequate support and services, and conduct program monitoring. Evidence of experience may include descriptions of long-term services and support programs under the Money Follows the Person (MFP) Re-balancing Demonstration Program Medicaid State Plan, 1915(c), 1915(i) waiver programs, or programs specifically designed to divert or delay individuals from entering institutions.

**(2) Experience with Supportive Housing and working with housing providers (up to 7 points).** The State Health and Human services/Medicaid agencies should demonstrate experience transitioning individuals from institutions or from homelessness into affordable housing in the community with access to supportive services. This description should include a discussion of



how the State Health and Human services/Medicaid agencies have worked with state housing agencies or other affordable housing programs. Evidence may include experience with the CMS Money Follows the Person (MFP) Re-balancing Demonstration or other similar efforts to integrate affordable housing with community-based long-term supports and services. Include a discussion on the role of the housing providers.

## **Rating Factor 2: Need/Using Housing as a Platform for Improving Quality of Life**

**Maximum Points: 5**

**Respond under Tab 2**

Describe and document how this funding will address a specific housing need for extremely low-income persons with disabilities who are eligible for services from Medicaid or another similar program in the applicant's state. In addition to statistical data to quantify the need related to the target population(s), describe how this funding will address a specific issue or issues, or fill a gap in a state's existing continuum of services for persons with disabilities, such as a particular program issue that the state has been attempting to solve beyond its basic need for affordable housing for persons with disabilities. For example, this funding may assist a state seeking to transition persons from institutional care into integrated housing or working to ensure that persons at risk of institutionalization remain in community-based settings in accordance with the Supreme Court's *Olmstead v. L.C.* decision. Programs will earn maximum points if they are designed in response to *Olmstead*-related litigation or enforcement (*e.g.*, settlement agreement, court order, or consent decree) or designed to complement a state's voluntary affirmative *Olmstead* planning and implementation efforts that are clearly outlined, with implementation underway evidenced by significant progress such as financial commitments or new governance structures or numbers of persons with disabilities transitioned into the community. Points will be allotted based on how the applicant has been directing resources or partnership efforts to address a goal relative to the need for this type of subsidy or how this specific gap financing will enable the state to accomplish a specific program initiative or *Olmstead*-related objectives. Applicants should describe what structural changes are being made in the way the Health & Human Services/Medicaid agency partners connect individuals with housing resources. For example, what changes are being made within the state's service delivery system that will be supported by the award of these PRA funds and how will that assist the state in meeting *Olmstead* related obligations. Additional documentation can be provided in the attachments.

## **Rating Factor 3. Soundness of Approach/Implementation Plan**

**Maximum Points: 55**

**Respond under Tab 3**

This factor focuses on the applicant's PRA program design and operation, management and oversight, the integration of services provided by the State Health and Human Service/Medicaid Agency or agencies and the timely implementation of the state's program. HUD is seeking to fund high quality and effective programs. The applicant must demonstrate how its PRA program

will work to stimulate, support, and advance the availability of integrated housing for persons with disabilities in a timely manner. Applicants should briefly discuss these in the context of existing state analysis of impediments as a component of the state's plans, and how determinations will be made in relation to those plans, Transportation plans, and any other existing state or regional development plans, and how determinations will be made in relation to those plans. Working in partnership with the State Health and Human Services/Medicaid agency, the applicant should include the specific financing and development programs that will be included in the program, the number of units that will be provided, and the amount of the HUD Section 811 PRA funds requested.

**Implementation Plan.** Applicants must submit a plan that outlines and describes the proposed state's PRA program. The plan must be submitted in a stand-alone document as it will become an attachment to the cooperative agreement if you are awarded a grant. The Implementation Plan should be based upon and specifically reference the formal agreement between the applicant and the State Health and Human Service Agency/Medicaid agency (The Inter-agency Partnership Agreement). It must incorporate and expand upon the specific elements of the agreement, including a detailed description of the target populations and method of outreach and referral. The Implementation Plan must incorporate the commitment to the specific roles and responsibilities. HUD will consider the extent to which the applicant thoroughly describes their program plan. The Implementation Plan must include the following sections below as part of the plan:

**A. Identification of Units (up to 10 points)**

**(1). Property Selection Criteria (up to 8 points).** Provide the property selection criteria to be used for this program, and describe how the selection process will be implemented. Applicants are not required to identify in their applications, specific properties for which PRA funds will be allocated, but they must provide justification for how properties will be selected, including any special qualifications or program requirements. (See section VI, B). Specifically, describe the Applicant's capacity to identify and contract units that are decent, safe and sanitary, in good repair, and have access to services and amenities, including access to transportation and opportunities. The applicant's PRA programs can include a range of properties including new construction, substantially rehabilitated, and existing properties. Specify what range/type of properties will be included and how you will ensure that each will be well-managed properties that are located in well-resourced neighborhoods of opportunity.

**a. Existing Properties.** If the applicant plans to provide assistance at existing properties, HUD is particularly interested in the criteria and methodology that will be used to select these properties how the applicant will ensure that the properties comply with all program requirements listed in Section III F of this NOFO, and how you plan to track the turnover of units. Also, you must specify measures that will be taken to address units that are not turning over in a timely manner.

**b. New Construction.** Applications that target new construction will receive more points than those that solely targets existing properties. HUD has found that previous PRA grantees who targeted existing properties had difficulty in timely leasing up units.

**c. Existing oversight.** Applications that solely intend to fund projects where they have existing oversight will receive half of the points available for this rating factor, 4 points.

**d. Outreach of the Availability of Funds.** Describe how owners and developers will be informed of the availability of funding for their properties and how the state program will be structured to ensure participation in the program.

**(2). PRA Program Funding Structure (up to 2 points).** If applicable, specify what development and financing program(s) will be used to create or develop PRA units (State Housing Trust funds, 4% and 9% LIHTC, tax-exempt financing, etc.). Include a detailed description of the program(s) identified including program requirements and procedures used to award funding.

**B. Alignment of New or Existing Housing Strategies or Initiatives. (up to 10 points).** HUD seeks to identify applicants who will be able to align their PRA program with state or local initiatives to increase the supply of permanent supportive housing for persons with disabilities. Applicants should describe key state housing policies that reflect a commitment to support the program proposed in the PRA application. Approaches may include requiring set-asides in LIHTC Qualified Allocation Plans (QAP), local jurisdiction's capital financing strategies, or other rental housing finance and development programs that will increase the production of affordable supportive housing aligned with the PRA program goals of integrating units into traditional multifamily developments.

- 1. Existing Strategies or Initiatives.** Applicants that evidence the existence of set-asides, incentives or significant competitive priorities in their primary housing production programs that will directly result in the creation of PRA units in multifamily projects, such as the Low-Income Housing Tax Credit Qualified Allocation Plan (QAP), or have similar program(s) designed to create supportive housing units in newly developed and substantially rehabilitated multifamily projects, may receive maximum points in this section.
- 2. Implementation of New Strategies or Initiatives.** Applicants with no existing programs, but that will implement set-asides, incentives or other significant competitive priorities for this PRA program within a calendar year after execution of the award will receive only 5 points under this sub-factor.

Applications that solely target existing properties will not receive any points under this sub-factor.

**C. Calculation of PRA funds (up to 10 points).** Specify how the amount of requested funds was determined, including the assumptions and methodology to be used for calculating and tracking the Rental Assistance and Program Administrative Costs. The PRA detailed budget and the narrative response to the sub-factors below will be used to determine points under this subsection.

- 1. Rental Assistance Calculations (up to 5 points).** Applicants must identify the methodology they will use for establishing initial contract rents, as well as annual rent adjustments, and any other assumptions used in projecting the amount of rental assistance funds required. Applicants must also describe their methodology for tracking the expenditures of the rental assistance funds. **Under no circumstance may the initial**

**RAC rent level exceed the applicable Section 8 Fair Market Rent, unless such rent level is substantiated by a market study that has been prepared in accordance with the requirements of a state housing agency**, Chapter 9 of HUD’s Section 8 Renewal Guide (see [Chapter 9 of the Section 8 Renewal Guide](#)) or as approved by HUD Program Requirements. Rents can only be adjusted annually based upon HUD’s Operating Cost Adjustment Factor (OCAF) or other operating cost index proposed by the applicant and approved by HUD. Since this award includes funding for the first five years, applicants should carefully prepare their budgets. Applicants should use one of the following data sets to determine the expected average tenant payment: a). the average tenant payment in the Section 811 PRA (if applicant has received previous funding under the program) or Section 811 Project Rental Assistance Contract (PRAC) program, or b), the applicable state extremely-low income data available on HUD’s website at [Datasets Portal](#). Average tenant payment in the Section 811 PRA program proposed should be similar to any existing 811 PRA tenant payment or 811 PRAC tenant payment.

2. **Program Administrative Costs (up to 5 points).** In addition to the HUD-form 92239 detailed budget, provide a narrative with appropriate justification for the use of grant funds and the methodology that will be used to track expenditures for the administrative costs requested for the 5-year funding period.

**D. Program Implementation Schedule (up to 10 points).** HUD seeks to fund programs that will begin identifying units within 6 months and the leasing of units within 18 months after execution of a Cooperative Agreement. HUD will evaluate applications in this rating sub-factor based on the milestones that need to be accomplished to develop this program. Applicants should be reasonable in setting milestones and take into consideration factors such as construction periods, unit turnover, transitioning of residents, and other factors that might impact the timely occupancy of units. **Include a schedule that outlines the occupancy goals annually.** Describe the methodology used to determine unit occupancy goals in the schedule. The schedule should project the number of units to be funded per fiscal year quarters over the 5-year funding period for this grant. Consistent with the HUD-form 92239 PRA Detailed budget described above, if units are occupied in Year 2 of the program, the Implementation Schedule will extend to Year 6 to allow for the full 5 years of funding per unit in the program. This schedule will be incorporated into the Cooperative Agreement with HUD.

**NOTE:** Program funds not utilized as outlined in the Implementation Plan and Schedule are subject to rescission as described in 2 CFR 200.339.

**E. Integration of Services (up to 15 points).**

(1). **Management and Coordination of Services (up to 10 points).** The details provided in the Inter-Agency Partnership agreement will be used to determine points under this sub-factor. HUD is seeking applicants who provide a high quality and detailed Inter-Agency Partnership agreement which goes beyond the minimum program requirements set-forth in “Program Specific Threshold Requirements.” The Inter-Agency Partnership agreement should include a description of the supportive services, the entity responsible for the overall integration effort, how the services will be provided and how tenants will access those services, whether new or existing programs are involved, and demonstrate the applicant’s understanding that tenant participation in these services is voluntary.

**a. Management.** Applicants must provide a description of how ongoing housing program management and management of services will be facilitated between agencies. The description must also include a strategy for continuous improvement of the program, including specifics regarding operational details relative to the commitment of services. Your application must describe how the housing staff will interact with the service providers and your efforts to support training and coordination of program implementation between the housing and service partners.

**b. Coordination.** Describe which staff and agency will be managing the outreach, referrals, and waiting lists to successfully identify and refer prospective tenants to properties that have the needed supportive housing units in a timely and efficient manner, particularly if the state program includes several targeted populations. Identify how staff will be assigned to efficiently work with owners and management agents of PRA units throughout the state and how the staff will be managed. Specify how you intend to resolve disputes between residents, owners and management agents. Explain how this process will be managed, tracked, and reported. Describe how you intend to coordinate and manage the range of programs and service needs within each property.

**(2). Systems in Place (up to 4 points).** Describe the information technology systems and staffing that are currently in place or that will be put in place to track, monitor, and oversee the implementation of this program. Specifically, how will you:

- a. Identify entities responsible for outreach to the various target populations and sub-populations
- b. Manage waiting lists
- c. Communicate with owners and property managers of the PRA units
- d. Track the referral process (e.g. how many applicants are referred to one available PRA unit, and how are they sequenced and tracked) and synchronize the referral process with a unit-tracking system identifying available new and/or turnover units in each locality with PRA units.
- e. Describe the software system you are using and provide representative screenshots of the various data screens. Describe the information technology experience of the staff and contract support who will develop and implement the IT infrastructure if such does not exist at this time.

**(F). Affirmatively Furthering Fair Housing (1 Point)**

Please provide a narrative describing how you will address at least two of the following:.

- Contribute to overcoming patterns of segregation,
- Addressing disparities in access to opportunity for protected class groups,
- Addressing disproportionate need for safe and healthy housing for protected class groups, including persons with disabilities, families with children and underserved communities of color.
- Transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and/or
- Fostering and maintaining compliance with fair housing and civil rights.

Please limit your response to 1 page.

**Rating Factor 4: Achieving Results, Program Innovation and Evaluation**

## **Maximum Points: 7**

### **Respond under Tab 4**

**(1). Systems Change (up to 5 points).** Describe how the system changes below will impact the PRA program management and operation, as well as the performance measures used to determine effectiveness. To receive maximum points under this sub-factor, applicants must address the elements below:

**(a). Increase Access to Permanent Supportive Housing.** Describe and document the extent to which your state's system of producing housing and services for persons with disabilities has resulted or will result in access to affordable permanent supportive housing beyond Section 811 PRA units. For example, applicants may describe previous collaborations with the State Health and Human Service/Medicaid agencies that have transformed and increased housing for persons with disabilities with access to long-term community-based services. HUD is seeking applicants with unique approaches that have resulted in system change solutions, such as tracking, targeting, and referrals systems that will creatively combine PRA into an existing housing finance program.

**(b). Evaluation of Existing Programs.** For applicants who have existing programs that have led to the increased production of permanent supportive housing for persons with disabilities, discuss anticipated outcomes, savings, approaches, and partnerships. Applicants should provide a description of the mechanism used to evaluate the success of existing programs that have similar goals to the PRA program.

**(2). Expand Cross-Cutting Policy Knowledge (up to 2 points).** Taking successful models to other communities requires quantitative evidence and public dissemination of this information. HUD's experience is that many state and local organizations and governments collect administrative data as part of their regular operations. Policy-makers at all levels can benefit from this rich data that HUD's grantees collect. To receive the points under this sub-factor, HUD expects applicants to demonstrate their willingness to collaborate with policy researchers and program evaluators to quantify the accomplishments of this program and to increase the overall body of policy knowledge. HUD seeks to fund applicants who go beyond the specific outcomes of this program to provide information that informs future policy-making, and who support knowledge sharing and innovation by disseminating best practices, encouraging peer learning, publishing data analysis and research, and helping to incubate and test new ideas. All applicants must demonstrate the direct impact of their programs as described in this NOFO. To receive points for this sub-factor, grantees must go beyond these requirements and detail other outcomes targeted for improvement. Examples might include reduction in housing and service cost per beneficiary; changes in the amount and quality of services received by the target populations; integration of the target population in supportive housing, such as the social interaction of the target populations with existing multifamily residents; health outcomes, such as changes in well-being; the level of coordination of housing and health services, such as the coverage of case management or service coordinators; or structural, process, and outcome measures that can capture the level of integration of services. To achieve full points in this area, the applicant must indicate what administrative data they or partner organizations will collect on primary and

secondary outcomes from Medicaid, or service data from the HHS/Medicaid agency for the target population as described in the submitted Implementation Plan. The application must describe data regarding primary and secondary outcomes made available to policy researchers through documentation such as a letter of cooperation or demonstrating a data-sharing agreement. Describe how performance measures for each program component will be tracked.

**Total**

**Maximum Points: 100**

This program does not offer points for Section 3.

**2. Other Factors**

**Preference Points**

This program does not offer any preference points.

You may choose to voluntarily commit to address policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you choose to address a voluntary policy initiative in your application, however, you will be required to adhere to the information submitted with your application should you receive an award. The proposed information will be included as a binding requirement of any federal award you receive as a term and condition of that award.

This program does not offer points for Climate Change

This program does not offer points for Environmental Justice.

This program does not offer preference points related to HBCUs.

Pursuant to Executive Orders [13985](#), [14041](#), [14045](#), and [14031](#), you may receive up to two (2) preference points if you are an applicant designated as a minority-serving institution (MSI) or if your application proposes one or more partnerships with minority-serving educational institutions that have been historically underserved.

This program does not offer preference points related to minority-serving institutions.

This program does not offer Promise Zone preference points.

**B. Review and Selection Process**

**1. Past Performance**

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the grant agreement

The applicant's organizational capacity, including staffing structures and capabilities

The number of persons served or targeted for assistance

Promoting self-sufficiency and economic independence

Producing positive outcomes and results

Other

See Section III, D, 4 for more information regarding program specific Past Performance requirements.

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain and review past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

## **2. Assessing Applicant Risk**

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in this part;
- (3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits; and
- (5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

Please address the above factors and detail how your application addresses each. (Include this information in your response to V, A, Rating Factor 1 - Applicant's Description of Relevant Experience))

## **3. Experience Promoting Racial Equity**

In evaluating applications for funding, HUD will consider the extent to which the application demonstrates that the applicant has the experience and the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.



Please address the above factor and detail how your application addresses the applicant's experience and the resources it will employ to effectively address the needs of underserved communities, particularly Black and Brown communities. (See Section III, F. of this NOFO for further instructions regarding responding to this section).

- Experience soliciting, obtaining, and applying input from underserved groups when designing, planning, or implementing programs and activities;
- Experience building community partnerships with grassroots and resident-led organizations;
- Experience designing or operating programs that have provided tangible reductions in racial disparities. (Include this information in your response to V, A, Rating Factor 1)

## **VI. AWARD ADMINISTRATION INFORMATION**

### **A. Award Notices**

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline but were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

#### **1. Final Grant**

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

#### **2. Adjustments to Funding**

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

a. HUD may fund no portion of an application that:

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current fiscal year for other competitions within the program area, or be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or be used as otherwise provided by authorizing statute or appropriation.

e. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may, in accordance with the appropriation, use the additional funds to provide additional funding to an applicant awarded less than the requested amount of 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.

### **3. Funding Errors**

If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year, if funding is available.

#### **MINIMUM SCORE REQUIREMENT**

Applications that receive a minimum score of 75 points or more and meet the applicable threshold requirements of this NOFO are *eligible* for funding. Applications that score less than 75 will not be considered.

**HUD's selection process is designed to ensure that grants are awarded to applicants that submit the most meritorious applications.** HUD will consider the information submitted by the application deadline date. After the application deadline date, HUD will not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information that you or any third party may want to provide. HUD may verify information provided in the application as needed by sending a written request for clarification. A response to such inquiries must be received within 5 business days of notification.

#### **Final Grant**

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

**Review Panel.** A Review Panel will:

**a. Review the Rating and Ranking documentation to:**

1. Ensure that any inconsistencies between preliminary reviewers have been identified and rectified.
2. Ensure that the Rating and Ranking documentation accurately reflects the contents of the application.

**Tie Scores.** If two or more applications have the same score and there are insufficient funds to select each application, HUD will select for funding the application(s) with the highest score for

Rating Factor 3 (Implementation Plan). If a tie remains, HUD will select for funding the application(s) with the highest combined score for Rating Factor 1, (Experience/Capacity/Readiness) and Rating Factor 3 (Soundness of Approach/Implementation Plan).

**Notification of Award.** Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify unsuccessful applicants whose applications were received by the deadline. Notifications will be sent by email to the person listed as the authorized representative in item 21 of the SF424.

## **B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards**

Unless otherwise specified, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply. Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD. Read the requirements carefully as the requirements are different among HUD's programs.

1. Compliance with The Fair Housing Act ([42 U.S.C. 3601-3619](#)) and implementing regulations at [24 CFR part 100 et seq](#)
2. Compliance with Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d-2000d-4](#) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at [24 CFR part 1](#)
3. Compliance with the Age Discrimination Act of 1975 ([42 U.S.C. 6101-6107](#)) and implementing regulations at [24 CFR part 146](#)
4. Compliance with Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)) and implementing regulations at [24 CFR part 8](#)
5. Compliance with the Americans with Disabilities Act, [42 U.S.C. 12101 et seq](#)
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including those listed on HUD's [Affirmatively Furthering Fair Housing](#) webpage
7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (Section 3) requirements, including those listed at [24 CFR part 75](#)
8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))
9. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
10. Compliance with Equal Access Requirements (see [24 CFR 5.105\(a\)\(2\)](#) and [5.106](#))
11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at [2 CFR 200.321](#)
12. Compliance with Energy Efficient, Sustainable, Accessible, and Free from Discrimination by Design

13. Compliance with Real Estate Acquisition and Relocation requirements (see [49 CFR part 24](#) and applicable program regulations)
14. Compliance with Participation in HUD-Sponsored Program Evaluation (see [Federal Register Notice, FR-6278-N-01](#))
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (see [2 CFR part 200](#))
16. Compliance with Drug-Free Workplace requirements (see [2 CFR part 2429](#), which is HUD's implementation of [41 U.S.C. 701, et seq.](#))
17. Compliance with the requirements related to safeguarding resident/client files
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
19. Compliance with Eminent Domain
20. Compliance with Accessibility for Persons with Disabilities requirements on [HUD's Disability Overview](#) webpage
21. Compliance with Violence Against Women Act at [24 CFR part 5](#), subpart L and applicable program regulations
22. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements
23. Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements and [implementing guidance available on HUD's dedicated webpage](#)
24. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
25. Compliance with [section 106\(g\) of the Trafficking Victims Protection Act of 2000 \(TVPA\), as amended \(22 USC 7104\(g\)\)](#) and implementing regulations at [2 CFR part 175](#) (Award Term for Trafficking in Persons)
26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))
27. Compliance with Suspension and Debarment (see [2 CFR part 2424](#) and [2 CFR part 180](#))
28. Compliance with environmental justice requirements under Executive Orders [12898](#) and [14008](#), and OMB Memorandum [M-21-28](#), which implements the Justice40 Initiative, section 223 of Executive Order [14008](#).
29. Compliance with Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs (see [HUD Secretary Fudge's April 12, 2022 memorandum](#))
30. Compliance with equity requirements, which include compliance with racial equity and underserved communities and LGBTQ+ requirements under Executive Orders [13985](#) and [13988](#)
31. Compliance with waste, fraud, and abuse requirements, including whistleblower protections (see [HUD's webpage](#))

Compliance with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of

authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See [Federal Contractor or Grantee Protections | Office of Inspector General, Department of Housing and Urban Development \(hudoig.gov\)](#))

### **Environmental Review**

Compliance with environmental requirements, including regulations at [24 CFR part 50](#) or [58](#):

Compliance with 24 CFR part 50 or 58 procedures is explained below:

Since HUD does not approve program funding for specific activities or properties related to this grant, it will not perform environmental reviews on such activities or properties. However, to ensure that the tenets of HUD environmental policy and the requirements of applicable statutes and authorities are met, applicants selected for funding will be required to implement the Environmental Requirements and Environmental Assurance Analysis and Determinations for specific program activities and properties. For more information on the requirements and any exceptions, see Section III.E.18. Please note that properties that include funding from other HUD programs (such as HOME) or that have mortgage insurance through FHA can use environmental clearance under those programs (such as the project has an environmental clearance under 24 CFR Part 50 or 58) in lieu of PRA NOFO requirements as long as the environmental reviews were completed within 5 years and the project description covers the units proposed to be assisted by the PRA.

### **Prohibition on Surveillance**

Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) is required.

### **Remedies for Noncompliance**

HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

**Rescission of Funds.** Funds not being utilized in the manner prescribed or otherwise contemplated under the final Implementation Plan are subject to recapture or de-obligation by HUD, at HUD's sole discretion. Causes for rescission of funding may include, but are not limited to:

1. Failure to carry out or meet required deadlines set forth in the Implementation Plan of the Cooperative Agreement
2. Non-performance or improper performance or violation of the terms of the Cooperative Agreement

3. Suspension, debarment, or other serious enforcement actions taken against the grantee, a recipient or affiliates

**Selection of Another Applicant.** If awarded funds are rescinded for any reason, HUD reserves the right, in its sole discretion, to award those funds to another qualified applicant.

### **Lead-Based Paint Requirements**

When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing ([24 CFR part 35](#))); and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification ([40 CFR part 745](#))).

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your grant you must inform clients of their rights under the Lead Disclosure Rule ([24 CFR part 35, subpart A](#)), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

## **C. Reporting**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

### **1. Recipient Integrity and Performance Matters**

You should be aware that if the total Federal share of your federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions for Recipient Integrity and Performance Matters](#).

### **2. Race, Ethnicity and Other Data Reporting**

HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of federally-assisted programs.

### **3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA)**

FFATA requires information on federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR part 170](#), “REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION,” unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000.

#### **4. Program-Specific Reporting Requirements**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

1. **Performance Reporting.** All HUD-funded programs, including this program, require recipients to submit, not less than annually, a report documenting achievement of outcomes under the purpose of the program and the work plan in the award agreement.
2. **Language Governing Award.** All awards are subject to the requirements and provisions outlined in 2 CFR Part 200, Sub Part F, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities. Information regarding compliance with all applicable sections of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. 2 CFR Part 200 can be found at this link. [Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards](#).

#### **D. Debriefing**

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the AOR whose signature appears on the SF-424 or by his or her successor in office and be submitted to the POC in Section VII Agency Contact(s) of this NOFO. Information provided during a debriefing may include 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 funding was approved or denied.

#### **VII. AGENCY CONTACT(S)**

HUD staff will be available to provide clarification on the content of this NOFO.

Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

Andrea Hendricks

Phone:

202-402-2172

Email:

811PRANOFO@HUD.GOV

Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#). Note that HUD staff cannot assist applicants in preparing their applications.

## VIII. OTHER INFORMATION

### 1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFO in accordance with HUD regulations at [24 CFR part 50](#), which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for inspection at [HUD's Funding Opportunities](#) web page.

### 2. Web Resources.

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: HUD Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)



- [USA Spending](#)

### 3. Program Relevant Web Resources

**Further Information and Technical Assistance before the application deadline**, an applicant may contact 811 PRA NOFO Team at [811PRANOFO@hud.gov](mailto:811PRANOFO@hud.gov) for **general, non-specific questions**. However, **staff are not permitted to assist you in preparing your application**. For technical support for downloading an application or electronic submission of an application, please call [Grants.gov](#) help desk at 800-518-GRANTS (this is a toll-free number) or send an email to [support@grants.gov](mailto:support@grants.gov). Do not contact HUD staff regarding issues with Grants.gov as they are unable to assist you.

## APPENDIX

### Appendix I. HUD's Guidance for Preparing a Budget Request and Narrative

To fill out the budget information requested on the SF-424A, review the general instructions provided for the SF-424A and follow the instructions outlined below. The budget reported on SF-424A must include a yearly breakdown of costs for the entire project period. Specifically, the budget reported on SF-424A should provide a detailed cost breakdown for each line item outlined in the SF-424A by year, including a breakdown of costs for each activity/cost within the line item. The budget must separate out funding that is administered direct the applicant from any funding that will be subcontracted.

#### SF-424A Instructions

##### Section A – Budget Summary

- Grant Program Function or Activity (column a) = grant activity means the type of financial assistance expected under this NOFO: 1) grant/cooperative agreement; 2) non-cash contribution or donation of property; 2) direct appropriation; 4) food commodity; 5) other assistance, including: loan, loan guarantee, interest subsidy, and insurance.
- New or Revised Budget, Federal (column e) = Enter the Total Federal Budget Requested by grant activity for the project period, in rows 1 through 4. In row 5, reflect the sum of the amount for the Federal Total.
- New or Revised Budget, Non-Federal (column f) = Enter Total Amount of any Non-Federal Funds Contributed (if applicable), by grant activity for the project period, in rows 1 through 4. In row 5, reflect the sum of the amount for the Non-Federal Total.
- New or Revised Budget, Total (column g) = Enter Total Budget Proposed by grant activity for the project period in rows 1 through 4. In row 5, reflect the sum of the amount for the Federal and Non-Federal Totals.

##### Section B – Budget Categories

- Enter the total costs requested for each Object Class Category (Section B, number 6) for all years of the total project period.
- If the class categories are not known at the time of application, include the expected budget under row h.

- Unless the program section of the NOFO indicates otherwise, if indirect charges are expected and included on the form, the charges must be calculated based on either the federal-approved negotiated indirect cost rate, or the 10 percent de minimis rate, as allowed by [2 CFR 200.414](#).

#### Section D – Forecasted Cash Needed

- Enter each quarter in the first year of the project period, enter the cash needs anticipated.

#### Section E – Budget Estimates of Federal Funds Needed for Balance of the Project

- Column (b)First = Enter the total federal funds needed for the second year of the project period, for each grant activity. Reflect the sum of funds from all activities for the second year in row 20.
- Column (c)Second = Enter the total federal funds needed for the third year of the project period, for each grant activity. Reflect the sum of funds from all activities for the third year in row 20.
- Column (d)Third = Enter the total federal funds needed for the fourth year of the project period, for each grant activity. Reflect the sum of funds from all activities for the fourth year in row 20.
- Column (e)Fourth = Enter the total federal funds needed for the second year of the project period, for each grant activity. Reflect the sum of funds from all activities for the second in row 20.
- If the NOFO is for a period longer than five years, complete a second SF-424A form and upload it as an attachment to the application (this specific attachment will not be counted towards the page limit). Year 6 information should be included in column (b)First of Section E. Then enter the total for years 1-5 (per the first SF-424A form) in column (c)Second of Section E. The second SF-424A form will compute columns (b) and (c), reflecting total costs for the entire project period. This total should be consistent with the total Federal costs requested on the SF-424, Application for Federal Assistance. A blank SF-424A form can be found at Grants.gov: <https://www.grants.gov/web/grants/forms/sf-424-individualfamily.html#sortby=1>