

FY23/FY24 PRICE NOFO Frequently Asked Questions – Tribal Applicants and Cross Cutting Requirements

6/12/2024

[Speaker 3]

Welcome everyone to the Preservation and Reinvestment Initiative for Community Enhancement Notice of Funding Opportunity, otherwise known as the PRICE NOFO webinar. My name is Jennifer Day. I'm from the Special Issues Team in the Office of Block Grant Assistance and I'll be your emcee and presenter for today's webinar.

This is the 10th in a series of webinars covering HUD's PRICE NOFO. These webinars are intended for potential PRICE applicants and provide participants with an overview of PRICE and the application requirements. Today's webinar will focus on frequently asked questions, specifically around Tribal Applicants, Environmental Review, and relocation requirements.

[Speaker 9]

Next slide please.

[Speaker 3]

Today's agenda includes the Welcome and Housekeeping as well as an overview of PRICE NOFO FAQs, Tribal Applicant FAQs, Environmental Review FAQs, URA FAQs, and question and answer at the end. In the meantime, I will cover a few general housekeeping rules before we get started. All participants will be muted, so we ask that you submit any questions using the chat feature so that our presenters may be able to see the questions and respond.

Please send your chat to all panelists to ensure that we are receiving questions throughout the event. Webinar materials will be posted to the PRICE page at HUD.gov. Materials will be posted as soon as they are made 508 compliant. Next slide please.

For those of you who have joined us on all of these webinars, some of these things will look the same, but just some additional reminders. The PRICE NOFO landing page, as you can see here, this has been updated to reflect the modified NOFO, so please continue to look at that page for a regular update. Next slide please.

As you get closer to submitting your application, we also want to remind folks that materials, instructions, and the application package are available through Grants.gov. HUD does not manage Grants.gov, so if you come across any challenges logging in or finding materials or submitting your application, please reach out to Grants.gov directly. There is a whole list of resources here on the slide and previous slides that you can use as a reference. Next slide.

As I mentioned, this is our 10th webinar in this series. This is also our final webinar in this series, so if you have any questions after today's webinar, please send them to PRICE at HUD.gov and we will try to address them within the limitations of the HUD Reform Act. Next slide please.

So now that we've discussed some PRICE resources and the webinar series, we'll move on to the presentations for this afternoon. This afternoon we've got folks from HUD offices to discuss some general FAQs as well as more specific FAQs related to Tribal Applicants, Environmental Review, and relocation. We'll start out with Jeremiah Christopher from the Office of Block Grant Assistance to present some general FAQs about the PRICE NOFO.

[Speaker 4]

Hi, thanks Jennifer. Yeah, my name is Jeremiah Christopher. I'm a Community Planning and Development Specialist with HUD's Office of Block Grant Assistance, State and Small Cities Division.

Today I'm going to cover some of the general FAQs that have come up. If you have any, you know, questions about the answers to those questions or, you know, you want something more specific, you can try putting that in the chat. And if we can be more specific during the FAQ session at the end of this, we'll certainly try.

Again, as Jennifer said, as long as it's not in violation of the HUD Reform Act. That also goes, if you have other questions, I recommend you go ahead and put those in the chat now to make sure our team has a chance to address them, to acknowledge them. Finally, we do have a mailbox, PRICE at [hud.gov](mailto:price@hud.gov). You can send your questions to that anytime. And again, we'll answer what we can as long as it doesn't violate the HUD Reform Act. And if it does, we'll let you know that. So let's move on to the first FAQ.

So where can I include maps, tables, diagrams, photographs, or other figures in the application? So this question has come up a number of times, and we want applicants to understand that they can include maps, tables, diagrams, photographs, or other figures that they feel are relevant in the appropriate exhibit within the application. Just keep in mind that these will count towards the application page length, which was raised to 45 pages with the modification of the NOFO.

So yes, you can include them, but yes, they will count towards the page length. Next slide, please. So what if my organization submitted an application prior to the NOFO modification that happened mid-May?

Applicants may resubmit an amended or adjusted application prior to the new deadline date of July 10, 2024. That's 11:59 p.m. Eastern, 8:59 p.m. Pacific. But if you do that, applicants should resubmit the entire application to make sure that we have a full application to review.

Please note that you can resubmit your application anytime up to the deadline. We will review the last version that we see on grants.gov. So again, you have until July 10. That is four weeks from today, 11:59 p.m. Eastern, 8:59 p.m. Pacific. Let's go to the next slide. Is the replacement of eligible manufactured housing units eligible under PRICE Main? Yes, it is technically eligible under PRICE Main, but you're going to want to review section 3F of the PRICE NOFO, which provides examples of eligible activities.

These examples are not exhaustive, but generally you'll want to make sure your activities are in alignment with the eligible activities shown in the NOFO. So yes, it is eligible under PRICE Main.

[Speaker 8]

Next slide, please. What are the affordability requirements for housing units?

[Speaker 4]

So from the NOFO, all activities that are assisted with PRICE funds, and this includes infrastructure and housing activities, shall be required to provide affordability for a period of not less than 15 years. And in the PRICE Action Plan for housing activities, grantees must define affordable rents and the affordability standards and enforcement mechanisms that will apply to affordable rental housing. So that's a matter of, you know, you all telling HUD how you define affordable rents.

The minimum affordability standards acceptable for compliance are the Home Investment Partnerships Program (HOME) requirements. And for rental housing, you can find those 24 CFR 92.252 (a), (e), and (f). For homeownership, 24 CFR 92.254 (a)(1)-(4). And for home site renters, 24 CFR 0.252 (e) and (f). You can also see sections I.A and IV.G of the PRICE NOFO for additional details.

[Speaker 8]

Go to the next slide.

[Speaker 4]

What are the affordability requirements for infrastructure? So we've instituted an alternative requirement that all activities assisted by PRICE funds, which include infrastructure and housing activities, shall be required to provide an affordable affordability for a period of not less than 15 years. In the PRICE Action Plan for non-housing activities, grantee must demonstrate how its agreements will attach affordability requirements to the assisted activity or activities.

And you can review sections I.A and IV.G of the PRICE NOFO for additional detail there.

[Speaker 8]

Let's go to the next slide.

[Speaker 4]

How will HUD evaluate an applicant's adherence to cross-cutting requirements? So in the evaluation criteria factor C capacity, it asks applicants to describe their familiarity and experience with certain cross-cutting requirements. So you'll want to describe that in your application.

And also note that you'll be required to certify for the certifications in Appendix B that you will comply with those cross-cutting requirements. So these may also come up in the monitoring stage for PRICE awardees. Let's go to the next slide.

Finally, where can an applicant learn more about cross-cutting requirements? So specific information can be found using the links shown on the slide. I believe this will be provided to participants posted to the HUD's PRICE landing page.

But you can find information on HUD Exchange about the Uniform Relocation Act, Davis-Bacon Section 3, and then most recently, the Build America, Buy America Act. So if you have

questions about those, please take a look at HUD Exchange. So that about covers it for the general FAQs.

Again, sort of the common themes that we've seen coming up from prospective applicants. Again, if you have other questions, please put them in the chat. I recommend doing that earlier rather than later.

Or you can email us at PRICE at HUD.gov, and we'll answer your questions as best we can. Again, as long as we're not in violation of the HUD format. I just want to take a moment to say thank you to everyone and good luck to all of the applicants.

And certainly reach out in the meantime if you have questions. With that, Jennifer, I will go ahead and turn it back over to you.

[Speaker 3]

Thank you, Jeremiah. And as a reminder to everyone, materials are posted to the HUD website as soon as we're able to clear them and get them 508 compliant. So the majority of materials from the last webinars are posted on our PRICE website.

Now I'm going to go ahead and hand it over to Kristen. Let's program to walk through some common questions about Tribal Applicants.

[Speaker 5]

Good afternoon, everybody. So I'm going to go over some Tribal Applicant FAQs, beginning with what is a Tribal Applicant? So there are three ways to qualify as a Tribal Applicant, and they're defined in the NOFO and stated on the slide.

A Tribal Applicant can be an Indian tribe as defined in the NAHASDA, a TDHE, Tribally Designated Housing Entity, as defined under NAHASDA, or a tribal organization as defined in CDBG. Sorry, next slide. So that was a Tribal Applicant.

Next slide. Great. How do the ICDBG regulations apply to Tribal Applicants PRICE grants?

Tribal Applicants will be subject to ICDBG program requirements in 24 CFR 1003 as modified in waivers and alternative requirements described in the NOFO. So the PRICE program is going to look and feel very similar to ICDBG. You know, if you won't need to launch a totally new thing, if you already have staff and capacity to administer ICDBG, but do pay attention to the details in the NOFO and ask questions if you need something clarified.

The Tribal Applicant differences are described in more detail in the first webinar that's recorded and posted on the PRICE landing site and in the FAQs, so you can also use those resources as guidance. Next slide. What Environmental Review requirements apply to Tribal Applicants?

This will be covered in more detail later, but this is one of those things that is the same for PRICE as in for ICDBG. Each activity must meet the applicable environmental requirements. The responsible entity, the tribe, completes an Environmental Review pursuant to 24 CFR Part 58 as applicable and will receive from HUD an approved request for release of funds and certification as applicable, and then the grantee may obligate and draw funds.

You can refer to section VI.B of the NOFO for more information. Next slide. Do Tribal Applicants need to follow URA?

Again, this is the same as ICDBG, so they do. Tribal Applicants sign a certification stating they will comply with URA and will be expected to follow the same URA requirements as in ICDBG, and URA will be discussed in more detail in addition to its address in the FAQs. But for Tribal Applicants, it should be familiar, and it might come up as well, so be familiar with that.

Next slide. Do formerly furthering fair housing requirements in the PRICE NOFO apply to Tribal Applicants? So no, Tribal Applicants are not subject to AFFH.

There is an exception for federally recognized Indian tribes and their instrumentalities. Instead, Tribal Applicants must address in their PRICE application how their projects will help address barriers to affordable housing for tribal members, and this will be a part of your narrative.

[Speaker 7]

Next slide.

[Speaker 5]

What are the public participation requirements that apply to Tribal Applicants? Tribes have two options to meeting the public participation requirement. As noted, there's a streamlined process outlined in the NOFO, which can be used by any applicant, or the Tribal Applicant can follow the same public participation process that is required in the ICDBG program.

So you have two options.

[Speaker 7]

Next slide.

[Speaker 5]

What are the project beneficiary criteria for Tribal Applicants? Beneficiary criteria for PRICE activities are the same as ICDBG compliance with the primary objective. Under 24 CFR 1003.208, so you're going to match up the activity and document compliance with area benefit, housing, limited clientele, etc.

This is the same as ICDBG. Next slide. Can a Tribal Applicant request an activity eligibility waiver?

Yes, you can, but the process is different than with other ONAP programs. Waiver requests should be submitted to HUD at PRICE at hud.gov. Make sure you put the waiver request in the subject line of the email, and you can submit this, I'm assuming, prior to submitting your application. And then you would need to go to Appendix A of the PRICE NOFO, and that has all of the details of what should be included in and all the waiver authorities.

[Speaker 7]

So don't send it to your office. Next slide.

[Speaker 5]

So what are the affordability requirements for Tribal Applicants? So the NOFO requires that any activities funded with PRICE, as mentioned earlier, have a minimum 15-year affordability period for any applicant, including Tribal Applicants. And for Tribal Applicants, the affordability standards may be consistent with the affordability standards used in the relevant Indian Tribes Indian Housing Block Grant Program for comparable housing.

You can use different standards, but HUD requires any affordability standards to exceed or meet the applicable home requirements. And HUD requires any standards be enforceable and imposed by record use restrictions, covenants, deed restrictions, and other mechanisms to ensure that housing remains affordable for the required period of time. Next slide.

Okay, I think that's the last one, and we'll move to Environmental Review FAQs. Thanks, everybody.

[Speaker 3]

So next, we've got Omri Gross from the Office of Environment and Energy to discuss some of the common questions about the Environmental Review process.

[Speaker 1]

All right, thank you, Jennifer. As Jennifer mentioned, my name is Omri Gross. I am the Program Environmental Clearance Officer for HUD's Community Planning and Development Programs, which includes the new PRICE Program.

Next slide, please. So we'll go over a few frequently, some of the most commonly asked questions, not only for PRICE, but in general for our HUD programs. The first one being, will my PRICE project require the completion of an Environmental Review?

This is a really common question that we get, and it's important to note that all HUD-assisted activities require some level of Environmental Review. Even projects that only include exempt activities require an Environmental Review determination to be in place before the project can proceed. So there are various levels of review for environment, for HUD Environmental Reviews, anywhere from exempt Environmental Reviews to got it categorically excluded to a full-blown environmental assessment.

But the important thing here, and you can find more information about all those different levels of review on the HUD Exchange, and I'll have a slide at the end of this section that has links to all of the resources that you'll need. But again, the most important thing here is to note that all HUD-assisted activities require some level of Environmental Review. Even if your project only includes exempt activities, an Environmental Review must be conducted to document that determination.

Next slide, please. Okay, so the next question is, who will conduct the Environmental Review for my project? This is a really common question, and also, can I use grant funds to pay for the Environmental Review?

So for the PRICE program, recipients that are state or units of are the state or are units of general local government will conduct the Environmental Review themselves under 24 CFR Part 58, which is the part of HUD's regulation that allows the delegation of the responsibility

to conduct the review to a unit of general local government in which the project is located. Now, recipients that are not a unit of general local government, so for instance, nonprofits, must request that HUD prepare the Environmental Review for their project under Part 50. So if you as the recipient are a state or a unit of general local government, you will be conducting the Environmental Review for the project.

If you are a recipient that is not a unit of general local government, such as a nonprofit, you'll have to reach out to HUD to request that HUD prepares the Environmental Review under our 24 CFR Part 50 regulations. Now, in all situations, whether you are a unit of general local government recipient or are not, the grantee, the recipient, must provide all project information necessary to complete the Environmental Review to the party responsible for conducting the review. So again, it is the responsibility of the grantee, the recipient, to provide all of the project information that's necessary to complete the Environmental Review to the party responsible for conducting it.

Now, grant funds can be used to pay for the cost of preparing the Environmental Review, including responsible entity staff costs and the costs of an environmental consultant if necessary. So again, you are able to use grant funds in a variety of ways, either by hiring an environmental consultant, using grant funds to pay for that to prepare the content of the review, or to even come to some agreement or understanding with your local government responsible entity to help pay for the cost of preparing the Environmental Review, whether that be paying for staff costs or a fee. And that can be decided upon between coordination with the responsible entity and the recipient.

Next slide, please. Okay, so next question is, what activities does my Environmental Review need to cover? So this is a great question, and there's a lot of confusion about this as well.

It's not entirely clear to new grantees, but HUD has a set of aggregation principles that can be found at 24 CFR 58.32, which require the Environmental Review to evaluate as a single project, all individual activities that are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions. Now, this includes all reasonably foreseeable related HUD and non-HUD funded activities. So the funding source does not matter when we're talking about aggregation, right?

You can have some activities that are funded by HUD, some activities that are funded by a different agency or a different source, but they may still all need to be aggregated into a single Environmental Review. So what are the bases for aggregation for activities in an Environmental Review? So there are three bases.

There's the geographic basis, the functional basis, and the logical basis. And there's more information about this under the regulations at 24 CFR 58.32, so you can always look that up and get the full explanation there. But just to kind of go through them, a geographic basis is generally when you have the same different activities being conducted on the same site.

So there's a geographic relationship, right? There's one site, you may have multiple different activities, maybe clearance, maybe constructing a parking lot, maybe the actual construction or development, all of those activities, they share the same site, they need to be aggregated and covered in the Environmental Review. Now functional relationship is slightly different.

It's the same activity across multiple different locations, right? So if there's some sort of program like a home repair program, right, or repair program that's going to be conducted across multiple different locations and sites, but it's the same activity, then that needs to be aggregated into one Environmental Review as the same project, right? It's essentially a home repair project as an example, right?

Same activity, different locations. So that's another basis for aggregation. And then the third basis for aggregation is logical components of the same, of a composite of contemplated actions.

So for instance, you know, if not for activity A, there would be no activity B. So for instance, you know, if you have a site where a structure needs to be demolished before you can construct a new structure or a new development, right, that demolition is logically related to the new project, right? Because it has to occur in order for the project to proceed.

So that's what we mean by a logical relationship. So again, you can find more about this at 24 CFR 58.32. But this is HUD's aggregation principles, which govern what needs to be aggregated into a single Environmental Review. Next slide, please.

Okay, so the next question is what are choice limiting actions? And when can I start work on my project? So there are limitations on what activities a project can undertake prior to compliance with Environmental Review requirements, which can be found at 24 CFR 58.22. This is also referred to as the prohibition on choice limiting actions. So what are choice limiting actions? They're actions that limit the choice of a reasonable or reasonable alternatives, or reasonable project alternatives or essentially lock the project into a specific location or activity without being able to consider other project alternatives, other site alternatives, etc. So some examples of choice limiting actions are acquisitions of land acquisition, property acquisition, right, you're really locking yourself into locking the project into that one site or property, right when you acquire land or property.

Ground disturbance, if you start disturbing the ground for whatever reason, whether this be construction, or anything else that pretty much any other ground disturbance activities, grading, that kind of thing, grading a site, that's also considered a choice limiting action, as well as entering into any contractual obligations for such work that will have a physical impact. So essentially, the rule of thumb here is a choice limiting action is generally activities that have a physical impact on the site, right or lock you into that site, or lock you into as in like a contract for work that has physical impacts for a site, right. So even entering into commitments or contracts for such work can be considered a choice limiting action.

You could find more information again about what choice limiting actions are and the regulation that governs them at 24 CFR 58.22. Now choice limiting action violations could result in environmental remediation, financial sanctions, project disapproval, and even disqualification for future funding. So it's serious business. And if you have any questions about choice limiting actions, or if you're uncertain, perhaps maybe you thought maybe that you took a choice limiting action.

It's not 100% game over, right. But if you do think that you've taken a choice limiting action after the federal nexus, and before you've conducted your Environmental Review, just

please reach out to your regional environmental officer. And at the end of my slides, I'll have a slide with a bunch of links.

And one of those links will be to HUD's environmental officer contact information. So yeah, so if you think you've taken a choice limiting action, or if you're not 100% sure, please reach out to your regional environmental officer to discuss the specifics of your project, and they will help you make the determination as to whether or not a choice limiting action occurred, and what steps there are moving forward. Next slide, please.

Okay, so next question is, what are some common environmental laws and authorities that may require extra attention for PRICE projects? So the nature of the PRICE program with the manufactured housing poses some significant concerns, considerations on the environmental front for some of our environmental laws and authorities, right, that may just need some extra attention. Now, of course, you know, while compliance must be achieved with all applicable environmental laws and authorities, when dealing with manufactured housing, there are a few laws and authorities that may require some extra attention.

So manufactured housing projects are particularly susceptible to issues with contamination, floodplain management, and environmental justice. And many manufactured housing communities are sited on land that has contamination concerns from prior industrial uses. And manufactured housing communities are often also sited on less desirable land that may be located within a floodplain.

So again, extra attention to these laws and authorities, and just keeping that in mind when you're going through the Environmental Review, is that, you know, manufactured housing communities are more susceptible to issues with these laws and authorities. And then furthermore, since manufactured housing communities often involve lower income and minority groups, there is a higher risk of these projects triggering disproportionate environmental justice concerns that need to be addressed in the Environmental Review. Next slide, please.

Okay, so the next question is, how do I access HUD's Environmental Review resources? So the easiest way is to just go to Google and type in HUD Environmental Review. The first result you get will be our HUD Exchange Environmental Review landing page, which will have all of the information necessary, links to all the resources that we're talking about that I'll have on the last slide here, as well as additional resources and guidance.

So that's the best way to reach HUD's Environmental Review resources. But again, I do have a slide at the end here that will have all links to all the relevant resources that we've been discussing and that you may need to refer to at the end of these slides. Next slide, please.

Okay, so what is community resilience and how should it be incorporated into my project? So community resilience refers to a community's ability to minimize damage and recover quickly from extreme events and changing conditions, often related to disasters or climate change. Community resilience is a major focus and goal of HUD's fiscal year 22 to 26 strategic plan and aims to prevent or mitigate adverse environmental or human health impacts that are disproportionately high for low income and or minority communities.

So there's a very strong tie-in to environmental justice here. Now the PRICE program NOFO directly supports community resilience efforts with its focus to increase resilience to extreme weather, natural hazards, and disaster events, support energy efficiency, and protect the health and safety of manufactured housing residents. So highly encourage, if you have not done so already, to see the NOFO for more details on community resilience there.

Next slide, please. Okay, and then finally, the last slide here just provides a bunch of links to various Environmental Review resources. So there's general Environmental Review resources, which can generally be found on our HUD exchange page, things like orientation to Environmental Reviews, our web-based instructional system for Environmental Review known as WISER, which is a self-paced instructional module that kind of walks you through the Environmental Review process.

There's also a lot of key information on the related Federal environmental laws and authorities. So we have a page for each environmental law and authorities, how to comply with that law and authority, what documentation is needed, as well as, I mentioned earlier, our HUD environmental staff contacts. So there you will see contact information, email and phone for our regional environmental officers, as well as our field environmental officers for each state.

I highly recommend reaching out to them with any project-specific questions. We also have links here for our HUD Environmental Review online system. So if you have not registered for access to HEROES, I highly recommend doing that because HEROES, our HUD Environmental Review online system known as HEROES, is a great tool that really walks the user through every single step of the Environmental Review process.

It prompts you with questions. You do the Environmental Review and record and document the Environmental Review directly in HEROES. You upload all of your supporting documentation in HEROES.

And again, it prompts you every step of the way with questions that you answer, and then it populates the next step based on your answers. There's also links to resources, to the regulations, citations, to all kinds of other guidance that are provided along the way as you work through HEROES. So it holds your hand through the Environmental Review process and is a great resource for those that aren't quite as familiar with Environmental Review.

Then also I've highlighted some of our links to the laws and authorities that we discussed that may require some additional extra attention for the PRICE program, such as site contamination, floodplain management, resilience, and environmental justice. And I believe that concludes my section, so I'll hand it back over to Jennifer Day. I just want to thank everybody for inviting us to present during this and taking the time to consider some Environmental Review processes for this program.

Thanks, everyone.

[Speaker 3]

Thanks, Omri. We really appreciate you joining us today. So we're going to go ahead and move to the next slide.

So next, we've got Jade Santoro from the Relocation and Real Estate Division to discuss relocation requirements, including URA and Section 104(d).

[Speaker 7]

Thanks, Jennifer. We can move to the next slide.

[Speaker 2]

If you have been at all involved in federal programs, I hope that you already know what the URA is. But in case you're brand new, I'm going to answer the question of what is the URA. The URA is an acronym for a federal law that's more commonly known as the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.

It has been amended a few times. Most recently, we issued regulatory changes, we meaning the Federal Highway Administration as the lead agency, issued updated regulations last month, and they became effective last week on June 3rd. Those regulations are found at 49 CFR Part 24.

The rule establishes requirements covering real property acquisition and relocation actions that happen for federally funded projects. The purpose of the act is to ensure fair, consistent, and equitable treatment of people who either sell property for federally funded projects or who have to move either themselves or their personal property from the site of a federally assisted project.

[Speaker 7]

Next question. Next slide. When does the URA apply to a project?

[Speaker 2]

URA compliance is required if federal financial assistance is used in any phase of a project that involves acquisition, rehabilitation, or demolition of real property. In other words, if PRICE funds are used for new construction, but the project as a whole also includes acquisition, then the URA will apply. The URA applies to all federal agencies and all of their programs unless there's been a statutory exemption.

The only one that I know of at the moment is the statutory exemption for demolition and disposition of public housing units, and that program has its own set of rules that are very similar to the URA.

[Speaker 7]

Next slide.

[Speaker 2]

In addition to the URA, PRICE projects are also subject to something that we call Section 104(d). So, you might be wondering what Section 104(d) is all about. Section 104(d) is found in the Housing and Community Development Act, and it's another set of rules that apply to PRICE.

Like the URA, it has some requirements that cover relocation actions when people have to move, but it also requires actively minimizing permanent displacement of people from

assisted activities and ensuring replacement of lower-income dwelling units that are removed from the housing stock through demolition or conversion.

[Speaker 7]

Next slide. When does Section 104(d) apply to a project?

[Speaker 2]

Unlike the URA, which applies government-wide, Section 104(d) only applies to activities that are funded under Title I of the Housing and Community Development Act. That includes HUD's home and CDBG programs and programs like PRICE that are funded underneath that umbrella of the CDBG program. Section 104(d) applies to PRICE projects that will demolish dwelling units, even if you're replacing those dwelling units on the exact same site, and to projects that are converting lower-income dwelling units to something that will no longer be a lower-income dwelling unit.

It's important to keep in mind that manufactured homes are considered dwelling units under the URA, under Section 104(d) and the URA, even if locally they're considered to be a personal property under state law. A lower-income dwelling unit is a unit that is either renting or would rent at or below the fair market rent for the area. And that designation, when we talk about a lower-income dwelling unit, it only depends on the rent that that unit can command, not on the income of the occupants.

There are a few exceptions, but generally, if a project will demolish dwellings or convert lower-income dwellings to something that won't be lower-income dwelling units anymore, then the units have to be replaced on a one-for-one basis, and it requires creating a replacement plan and making that plan public and submitting a copy to HUD.

[Speaker 7]

Next slide.

[Speaker 2]

You might be wondering if there are other relocation rules that also apply in addition to the URA and Section 104(d), and the answer is yes. In addition to the URA and Section 104(d), PRICE activities are also subject to the Community Development Block Grant program regulation on displacement, relocation, acquisition, and replacement of housing. For most applicants, that's found at 24 CFR 570.606. And if you're a Tribal Applicant, that rule is found at 24 CFR 1003.602. This program regulation goes a bit above and beyond the URA rules and adds some additional tenant protections. In particular, if you're not intending to displace residential tenants, you should be issuing them what we call a notice of non-displacement that explains their right to remain in the completed project under reasonable terms and conditions. We do have a guide form for that. It can be found as Appendix 2 in HUD Handbook 1378.

[Speaker 7]

Next slide. What are the primary steps to comply with acquisition and relocation requirements?

[Speaker 2]

The first step is to evaluate whether or not the URA and or Section 104(d) will apply to your project. If your project will include acquisition, rehab, or demolition of real property, regardless of who's funding those particular stages of the project, the URA will apply. And if the project will demolish dwelling units or convert lower income dwelling units, Section 104(d) requirements will also apply.

If either of these two rules apply, the next step is ensure that you're tracking and documenting site control and project occupancy.

[Speaker 7]

All acquisitions of real property for a PRICE project are subject to the URA.

[Speaker 2]

It doesn't matter whether PRICE funds are being used for the actual purchase. If the acquisition is for a PRICE project, that acquisition needs to follow the URA. In most cases, compliance means issuing the seller a voluntary acquisition notice no later than the time an offer is made for the property.

HUD has some guide forms for that that are found in Handbook 1378 as Appendices 31 and 32. And this voluntary acquisition notice informs the seller that the property won't be acquired if negotiations fail to result in an agreement. And it has to tell the seller what the estimated fair market value of the property is.

Your project files will need to document a reasonable basis for how you established that property value. If you're using list prices tax assessments, you can't just pull those and assume that that reflects the actual value of the property. If you're using those, your files should document that someone familiar with real estate values has reviewed that list price or assessment and determined that it's reflective of current market conditions.

On the occupancy side, you have to track project occupancy whether or not you intend to displace anyone. Chapter 6 of Handbook 1378 details our record-keeping requirements for all projects that include acquisition, rehab, or demolition. In general, all persons who occupy or move into or out of a PRICE project should receive at least one written notice.

And your files should continue to document occupancy and issuance of notices until project completion. Your files should document that all persons temporarily or permanently displaced received appropriate benefits and payments, including Section 104(d) relocation benefits if those apply. It's really important to plan for both temporary and permanent relocation if you think that might be necessary for your project because relocation can be expensive and it can be very time-consuming.

[Speaker 7]

HUD has training called URA the HUD Way training.

[Speaker 2]

It's available on demand and Module 3 of that training provides some helpful guidance on planning and budgeting for projects that are subject to the URA. And Module 5 provides guidance on residential displacement if you think that might be occurring. We'll have a link at the end of this presentation to URA the HUD training or you can also Google it.

[Speaker 7]

Next slide. How can projects minimize displacement?

[Speaker 2]

First off, the best way to minimize displacement is to ensure that you're designing your project to serve the existing residents. You should also be sure to track occupancy and ensure that everyone receives appropriate written notices because failing to issue notices can result in tenants qualifying for relocation assistance even if you didn't intend to displace them. It can be a very expensive mistake to make.

You should also consider whether rehabilitation can be staged to allow tenants to remain in the project during and after rehabilitation. You might be able to work with empty units first and that could allow people to stay rather than causing displacement. If allowing tenants to stay on site during rehabilitation wouldn't be safe or otherwise wouldn't be an option, you should consider temporary relocation that would allow the residents to return to the project.

Assuming residents can return within 12 months, they won't qualify as permanently displaced. And on that note, since demolition and reconstruction activities often take longer than 12 months, you should consider prioritizing rehabilitation projects over demolition projects.

[Speaker 7]

Next slide. What's the difference between a mobile home and a manufactured home?

[Speaker 2]

In reality, the terms are somewhat interchangeable. They both refer to factory-built prefabricated homes. In the PRICE NOFO, the term mobile home is used to refer to pre-1976 manufactured homes that were built before the creation of home construction and safety standards for manufactured homes (unless otherwise noted).

Generally, it refers to pre-1976 manufactured homes. On the other hand, when it's referenced in the URA regulation, that regulation uses the term mobile home more broadly to include all manufactured homes and recreational vehicles that are used as residences. Under the PRICE program, you can only use PRICE funds to replace pre-1976 mobile homes that didn't have construction standards. You can't pay to repair or rehabilitate them.

[Speaker 7]

And last slide for my section. Here are some resources.

[Speaker 2]

The first is a link to that URA the HUDWAY training that I talked about. There are eight different modules. The first is an overview.

And as I mentioned earlier, number five is URA residential relocation. I would remind you that we had regulatory changes effective last Monday and the HUD guidance has not yet been updated to reflect new regulatory rules. Keep that in mind.

There aren't a whole lot of changes. The primary one is to temporary relocation. And just as a shout out, a really big one is that if you're temporarily relocating people, they're now entitled to 90 days notice to move and referral to comparable replacement housing, just like persons who are permanently displaced.

As some additional resources, you find here some links to our website, the URA regulation and the Section 104(d) regulation, Handbook 1378 that I mentioned a lot in today's presentation. And finally, a mailing list that you can sign up for to get updates to acquisition and relocation policy and guidance. Back to you, Jennifer.

[Speaker 9]

Thank you, Jade. We're going to go ahead and move on to the next slide. Thank you.

[Speaker 3]

So now we're going to go ahead and start our question and answer session. So we'll be transitioning to the live Q&A portion of our webinar. Just a reminder that the HUD competitions are governed by the HUD Reform Act.

So the NOFO is the definitive for all answers we cannot interpret, but we can tell you whether something is in the NOFO or the CDBG framework. And with that, we're going to move on to our questions. We're going to go ahead and start with a question for Omri here.

[Speaker 1]

Yeah, and I can read the question if you'd like.

[Speaker 3]

Great. Thanks.

[Speaker 1]

The question is, in regards to functional aggregation, we're talking about Environmental Review and what needs to be aggregated into the Environmental Review for a project. Are there limits to this as far as distance goes? So for example, you know, if you have two sites, but the same activity on both sites, but they're 10 miles apart, do they still need to be aggregated into the same Environmental Review?

And that's a great question. And really the answer to that is really going to depend more on the nature of the activity rather than the distance between the sites. For instance, if activity is new construction or involves significant groundbreaking or involves multiple different activities involved in developing a site, there will most likely need to be a separate Environmental Review for each site.

So, you know, but if it's just a interior home repair, for instance, right, if you're just doing work on the interior of multiple different manufactured homes across multiple different manufactured housing communities, then that would be more likely a functional relationship where the program is all the same activity of home repair under the umbrella of home repair across multiple different locations. But if we're talking about, you know, multiple different sites where you're developing a new manufactured housing community, where there's multiple different activities involved in each of the sites, for instance, grading,

clearing, demolition, new construction, groundbreaking, et cetera, then those are going to have to be separate Environmental Reviews for each site for each project.

But if you do have any other questions about, you know, should these activities be aggregated? How many Environmental Reviews do I need for this project? Or are they multiple projects?

Then I highly recommend reaching out to your regional environmental officer to discuss these types of project specific questions, because they can really kind of get down into the details with you on what your project involves, ask you the right questions, and you can provide them the information that they need to give you a more concrete answer on that. So that would be the answer for that. And I did not see any other Environmental Review specific questions.

But if there are, Jennifer and Robert, feel free to send them my way before I have to log off here in a few minutes.

[Speaker 3]

Great. Thanks, Omri. Thank you for joining us today.

And as a reminder, since we're still in the application phase, we want all questions to go through the PRICE mailbox. So please refer to the PRICE at hud.gov for any questions you may have. While you need to be thinking about Environmental Review, the process doesn't start until after you've received notification of award.

[Speaker 1]

Thanks for that clarification, Jennifer.

[Speaker 3]

Yeah, no problem. Okay, so we're going to go ahead and move on to some of these next questions. We've got Robert Peterson here that's also going to be helping.

The first one I'll go ahead and take, and that is the question about are these slides available. So we need to make all of our materials for these webinars 508 compliant so folks with disabilities can access them. So it takes a little bit of time after the webinar, but we do our best to turn those resources around and get them posted as soon as possible.

So those are on the HUD website. Okay, our first question here is about competitive bids. And then I know we're coming up on time, so we are going to kind of cruise through these questions, but we'll go over a little bit.

Is there a requirement for competitive bids over \$50,000 be completed prior to submitting the application, or can the competitive bid process be completed once awarded the grant?

[Speaker 6]

Yeah, it's a great question. You are not required to complete your bids prior to award. Grantees, just to remind everybody, you will have to follow the federal procurement requirements and CFR part 200.

And additionally, I would just caution you with regards to incurring pre-award costs, and just remind everyone that the same requirements are applicable when you use your funding and intend to reimburse that funding with PRICE funds. So that means you'd have to follow all the same rules, including procurement, Environmental Review, et cetera.

[Speaker 3]

Great.

[Speaker 6]

Thank you.

[Speaker 3]

So here we've got a question on income eligibility. Please clarify the definition for income eligibility. Is it for households of low 80 percent, or is it also moderate 150 percent of area median income?

[Speaker 6]

Yeah, I know right where the confusion is coming from with this one. So the definition of low and moderate income persons used in the NOFA is the same as the one used in the CDBG program. And if you're new to all that, really what it means is we use the terminology a little bit differently.

So low is 50 percent of the area median income, and moderate is 80 percent of the area median income. So if you look at the income limits that are posted for the housing choice vouchers, Section 8 income limits, those are on HUDuser.gov. If you look at that, you'll see slightly different usages of the terms low, moderate. But again, when you're doing a qualification of somebody as LMI, you're going to look at the family size and the income in comparison to the limit at the 80 percent level.

[Speaker 9]

Great. Thank you.

[Speaker 3]

So we have a question here. There's a requirement of 50 percent match of non-federal funds. Can you provide some examples of non-federal funds that would be used to meet this match?

[Speaker 6]

It's a great question. I'm going to play it safe, though. My apologies.

Under the HUD Reform Act, we can't provide advice about specific applications. I am hesitant to give any recommendations about particular funding sources that you could use to meet that non-federal match requirement. And that is just a requirement under the PRICE replacement pilot.

To be clear, under PRICE Main, we look at leverage, which could be federal, non-federal, and we're scoring that. You can earn up to two points for leverage, but not a requirement under PRICE Main.

[Speaker 3]

Great. Thank you. So we've got a question about the public comment period.

And that question is, would the public comment period restart if an applicant receives comments? Would they have to republish for comments another 15 days?

[Speaker 6]

Yeah, they definitely would not have to do that. Public comment would go on seemingly forever, wouldn't it? So no, the public comment period is just your 15 days.

And during that time, you'll receive comments. You'll be addressing those comments and submitting a summary of everyone that's commented in and list them by name and organization. And you need to end your public comment period at least three days before you submit your application, giving you time to actually incorporate the best of those comments.

[Speaker 3]

Great. Thank you. So we received a couple of questions about some of the required forms.

So we're going to have to follow up with that in an FAQ, but also want to encourage you to take a look at the directions. Specifically, we received a question about the applicant recipient disclosure update and the interested parties. The directions there give you the information about what needs to go in that section.

And specifically, it notes that all developers, contractors, or consultants involved in the application for the assistance. So really, when you're filling out those forms, we're looking for information as of the application process. Okay, I'm going to go ahead and move on to the next one.

So this one is another one for you, Robert. Can a manufactured home be replaced with a site-built home if it is the safest, most economical option for a specific area?

[Speaker 6]

It depends. So construction of new non-manufactured housing units such as site-built homes, that's allowed under the PRICE replacement pilot, pretty clearly allowed under the PRICE replacement pilot. And with that as well, there is a one-for-one replacement requirement.

You can go up to four units of replacement housing under the PRICE replacement plan.

[Speaker 3]

Great, thanks, Robert. And then our last question before we wrap up for the day is going to be for you, Jade. So we received a question.

Is it expected that the non-displacement forms would be submitted prior to the applicant being awarded the grant, or is this a requirement after the award of the grant?

[Speaker 2]

You can issue notices of non-displacement as soon as you establish that the occupant is eligible to stay in the completed project and that you're offering to allow them to stay in the completed project. But generally, notices of non-displacement are expected to be issued by

the time of funding award. There are some caveats. Really, they need to go out at the earliest of the time frame when someone is potentially eligible for relocation assistance, and the new rule has four different categories for when that might be.

But a safe bet is to issue it as soon as you know and if you issue it by the time of grant award, that's today's guidance anyway.

[Speaker 3]

Great. Thank you. So with that, we're going to go ahead and wrap up.

Just a couple of things before I hand it over to Robert to close us out. Just a reminder that if you have specific questions, please email PRICE at HUD.gov, take a look at our website. We do our best to upload the materials from past webinars as quickly as we can.

Again, there's a process after the webinar that we need to go through. And I just want to encourage everyone to, you know, again, take a look at those materials. We're really happy that you're interested in this program, and we look forward to seeing your applications.

So Robert, I'll hand it over to you to close us out.

[Speaker 6]

Thank you, Jennifer. Thank you, Omri. Thank you, Jade.

Everybody did a great job today. A reminder to all the potential applicants listening in, applications are due July 10th. So keep in mind you have your public comment period ahead of that that you need to allow time for.

So we're running close to the deadline, and I want to wish everyone luck in preparing your applications. We're looking forward to receiving them and reviewing them. And thank you again.

[Speaker 3]

All right, great. And with that, we're wrapping up the 10th in the series of webinars in regards to the PRICE NOFO. And we will talk to you all after the application process.

[Speaker 9]

So have a nice afternoon.

[Speaker 8]

The conference is now over.

[Speaker 9]

You may now disconnect.