

General Statutory and Regulatory Requirements Affecting Eligibility for HUD's Financial Assistance Programs

You must satisfy these statutory and regulatory requirements for your application to be eligible for funding. You will find program-specific eligibility requirements outlined in each program NOFO or notice.

1. Unique Entity Identifier (UEI) and Active Registration with SAM.gov.

Each applicant and recipient of HUD funding must comply with the following requirements, unless 2 CFR part 25 or Federal statute says otherwise:

- (a) You must be registered in [SAM.gov](https://sam.gov) before you submit an application to HUD.
- (b) You must have a current and active registration in [SAM.gov](https://sam.gov) at all times while you have an active Federal award as a recipient or have an application under consideration by a Federal agency. You must review and update your information in SAM.gov annually from the date of your first registration or last update in SAM.gov to make sure the information is current, accurate, and complete. This includes identifying immediate and highest-level owner and subsidiaries and providing information on all predecessors that have received a Federal award or contract within the last three years (unless there are none).
- (c) You must include the Unique Entity Identifier (UEI) created by SAM.gov in each application you submit to HUD.

If you do not comply with these requirements and you are not exempt by Federal statute or under 2 CFR part 25, HUD may not issue a Federal award to you or amend an existing Federal award to provide additional Federal funds to you.

2. Outstanding Delinquent Federal Debts.

If you are delinquent in paying a debt owed to the Federal government, HUD may find that you are ineligible under the following requirements and remove your application from consideration.

- a. If there is a judgment lien against your property for a debt to the United States, you are not eligible to receive any grant or loan which is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the Federal Government in any program, except funds to which you are entitled as beneficiary, until the judgment is paid in full or satisfied in another way. This requirement applies governmentwide under [28 U.S.C. 3201\(e\)](https://www.law.cornell.edu/ucc/28-3201(e).htm).

Important: If you are delinquent in paying a Federal debt, but there is no judgment lien against your property for that debt, HUD will expect you to make that clear in the answer and explanation you provide for question 20 on the SF-424 form ("Is the Applicant Delinquent on any Federal Debt?"). Otherwise, if you answer "yes" to that question or HUD learns through other sources that you are delinquent in paying a Federal debt, HUD

will presume that there is a judgment lien against your property for that debt and remove your application from consideration for an award.

- b. You are not eligible for any Federal loan (other than a disaster loan), loan insurance, or loan guarantee, if you have an outstanding nontax debt that is in delinquent status. This requirement applies governmentwide under [31 U.S.C. 3720B](#). However, as provided by [31 CFR 285.13](#), this requirement will not bar you from receiving a Federal loan, loan insurance, or a loan guarantee if you:
 - i. Pay or otherwise satisfy the delinquent debt in full;
 - ii. Pay the delinquent debt in part if the agency you owe accepts that payment in part as a compromise instead of payment in full;
 - iii. Pay any overdue payments, plus all interest, penalties, late charges, and administrative charges under terms the agency you owe finds acceptable; or;
 - iv. Enter into a written repayment agreement with the agency you owe to pay the debt, in whole or in part, under terms that agency finds acceptable.

HUD will also take any delinquency on Federal debts into account when HUD reviews the risk of making an award to an applicant as described under “Pre-selection Review of Performance” below, the “Risk Review” section of the NOFO, and [2 CFR 200.206](#).

3. Debarments and/or Suspensions.

Except as otherwise provided by [2 CFR part 2424](#), no award of Federal funds may be made to applicants that are debarred; suspended; proposed for debarment under [48 CFR part 9, subpart 9.4](#); or voluntarily excluded from doing business with the Federal government.

4. Mandatory Disclosure Requirement.

Pursuant to 2 CFR 200.113, each applicant or recipient of a Federal award must promptly disclose in writing to the Office of Inspector General (OIG) and to the awarding HUD Program Office, whenever it has credible evidence of any of the following in connection with the award or any activities or subawards under the award: (a) any violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations under Title 18 of the United States Code (U.S.C.); or (b) any violation of the civil False Claims Act ([31 U.S.C. 3729-3733](#)). Recipients of a Federal award that includes or incorporates the Award Term and Condition for Recipient Integrity and Performance Matters (Appendix XII to 2 CFR part 200) must also report certain civil, criminal, or administrative proceedings to SAM.gov, as stated in the award term and condition. Failure to make required disclosures can result in any of the remedies described in § 200.339. *See also* [2 CFR part 180 and 2424](#), [31 U.S.C. 3321](#) note; and [41 U.S.C. 2313](#).

5. Pre-selection Review of Performance.

In accordance with 2 CFR 200.206(a), prior to making an award, HUD reviews eligibility information for applicants and financial integrity information for applicants available in OMB-designated databases per the Payment Integrity Information Act of 2019 ([Pub. L. 116-117](#)), the “Do Not Pay Initiative” ([31 U.S.C. 3354](#)), and [41 U.S.C. 2313](#). HUD also reviews the responsibility and qualification records available through SAM.gov and other OMB-designated

databases about the applicant and any immediate highest-level owner, predecessor (i.e., an organization that is replaced by a successor), or subsidiary, identified for that applicant in SAM.gov. If HUD determines the available information does not demonstrate a satisfactory record of executing programs or activities under Federal grants, cooperative agreements, or procurement awards; and integrity and business ethics, HUD may determine the applicant is not qualified for a Federal award and report that determination as provided by 2 CFR 200.213. Alternatively, HUD may make the award if HUD decides the information is not relevant to that award or if HUD decides that putting specific conditions on the award, as provided by 2 CFR 200.208, can appropriately mitigate the risk to the award. When assessing the risk of making an award to an applicant, HUD may also consider other information available to HUD, including from sources such as newspapers, Inspector General or Government Accountability Office (GAO) reports or findings, or complaints that HUD decides have merit. The specific criteria HUD will use to assess the risk of making an award to an applicant under a specific NOFO will be described in that NOFO.

If and as HUD determines appropriate based on this risk assessment and applicable Federal law, HUD may:

- (a) Deny funding, or with a renewal or continuing award, consider suspension or termination of an award immediately for cause;
- (b) Require the removal of any key individual from association with management or implementation of the award;
- (c) Make provisions or revisions regarding the method of payment or financial reporting requirements; or
- (d) Impose other specific conditions as provided by 2 CFR 200.208.

6. Sufficiency of Financial Management System.

All recipients and subrecipients must have a financial management system that meets Federal standards as described in [2 CFR 200.302](#). HUD may arrange for a survey of financial management systems for applicants selected for award who have not previously received Federal financial assistance, where HUD Program officials have reason to question whether a financial management system meets Federal standards, or for applicants considered high risk based on past performance or financial management findings.

7. False Statements.

All applicants and recipients of HUD funding must be truthful in all communications with HUD. A false statement in an application or any related communication with HUD is grounds for denial of that award. In addition, providing false or misleading information to HUD during any part of the application, award, or performance phase of an award may result in criminal, civil or administrative sanctions, including:

- Fines, restitution, and/or imprisonment under 18 USC 287, 1001, 1010, 1012;
- treble damages and civil penalties under the False Claims Act (31 USC 3729 et seq.);
- Double damages and civil penalties under the Administrative False Claims Act, 31 U.S.C. Sections 3801-3812;

- Civil recovery of award funds; suspension and/or debarment from all federal procurement and non-procurement transactions under 2 CFR parts 180 and 2424; and
- Other remedies including termination of the award under 2 CFR 200.339 and 200.340.

The regulations at [2 CFR 200.415](#) require recipients to certify in their annual and final fiscal reports that they acknowledge potential criminal, civil, or administrative penalties for fraud, false statements, and false claims under [18 U.S.C. § 1001](#), [31 U.S.C. §§ 3729-3730](#), and [31 U.S.C. §§ 3801-3812](#).

8. Prohibition Against Lobbying Activities.

Applicants must comply with [31 U.S.C. § 1352](#) and [24 CFR part 87](#), as applicable. These requirements prohibit recipients of Federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award. Each applicant that is covered by these requirements must submit with its application the signed certification regarding lobbying. The applicant must also submit Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities,” if the applicant has used or intends to use any funds, other than Federally appropriated funds, to influence Federal employees, members of Congress, or congressional staff regarding a specific award. These requirements do not apply to Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by Federally recognized Indian tribes exercising the tribe’s sovereign power, but all other applicants, including state-recognized Indian tribes and TDHEs established only under state law, are covered and must comply with these requirements.