



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

Fair Housing - Equal Opportunity

Fair Housing Initiatives Program - Private Enforcement Initiative

FR-6200-N-21-C

Application Due Date: 12/19/2018

Fair Housing Initiatives Program - Private Enforcement Initiative  
FR-6200-N-21-C  
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## U.S. Department of Housing and Urban Development

<b>Program Office:</b>	Fair Housing - Equal Opportunity
<b>Funding Opportunity Title:</b>	Fair Housing Initiatives Program - Private Enforcement Initiative
<b>Announcement Type:</b>	Initial
<b>Funding Opportunity Number:</b>	FR-6200-N-21-C
<b>Primary CFDA Number:</b>	14.418
<b>Due Date for Applications:</b>	<b>12/19/2018</b>

### Overview

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.

**For Further Information Regarding this NOFA:** Please direct questions regarding the specific program requirements of this Program Notice of Funding Availability (NOFA) to the office contact identified in Section VII.

OMB Approval Number(s): 2529-0033

## I. Funding Opportunity Description.

### A. Program Description.

#### 1. Purpose

The Fair Housing Initiatives Program (FHIP) funds fair housing organizations and other non-profits that assist individuals who believe that they have been victims of housing discrimination. FHIP provides funds to eligible organizations through competitive grants under three initiatives to carry out enforcement activities to prevent or eliminate discriminatory housing practices and inform individuals of their rights and responsibilities under the Fair Housing Act. The Initiatives are: the Fair Housing Organization Initiative (FHOI), Private Enforcement Initiative (PEI) and the Education and Outreach Initiative (EOI). Each Initiative is posted under a separate NOFA.

PEI provides funding to private, non-profit fair housing enforcement organizations that meet statutory requirements to investigate violations and obtain enforcement of the rights granted under the Fair Housing Act or State or local laws that provide rights and remedies for discriminatory housing practices that are substantially equivalent to the rights and remedies provided in the Fair Housing Act. This NOFA announces the availability of \$6.1 million through the PEI Multi-Year Funding Component, which provides grants of up to \$300,000 per year for a three-year duration, with future years' funding subject to appropriations.

This NOFA will receive applications for PEI only. Please see the specific FHOI and

EOI NOFAs for the additional FHIP funding opportunities.

## 2. Changes from Previous NOFA.

- a. **General Section.** For FY2018, the Department has eliminated the Notice of Funding Availability for Discretionary Programs (General Section).
- b. **Funding Restrictions.** For FY2018, the NOFA adds a funding restriction under Section IV.F to establish administrative costs restrictions. A definition for administrative costs has also been added under Section I.A.4, Program Definitions.
- c. **Fair Housing Assistance Program (FHAP) Performance.** A former Program Threshold which required specific FHAP performance eligibility requirements has been re-incorporated into this NOFA. Please see Section III.C.

## 3. Definitions.

### a. Standard Definitions

Authorized Organization Representative (AOR) is the person authorized to submit applications on behalf of the organization via Grants.gov. The AOR is authorized by the E-Biz point of contact in the System for Award Management. The AOR is listed in item 21 on the SF-424. Award, as used in this NOFA means a federal, grant, cooperative agreement, loan, or loan guarantee.

Catalog of Federal Domestic Assistance (CFDA) is a directory of the various Federal listings, projects, services and activities offering financial and non-financial assistance and benefits to the American public. CFDA Number is the unique number assigned to each program, project, service or activity listed in the Catalog of Federal Domestic Assistance (CFDA).

Consolidated Plan is a document developed by states and local jurisdictions. 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 more information about the Consolidated Plan and related Annual Action Plan).

Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this NOFA does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (See 2 CFR 200.22.)

Contractor means an entity receiving a contract.

Deficiency is information missing or omitted within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box, etc.). Depending on specific criteria, deficiencies may be either curable or non-curable.

- Curable Deficiency – Applicants may correct a curable deficiency 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 able to be remedied within the time frame specified in the notice of deficiency.

- Non-Curable Deficiency – An applicant cannot correct a non-curable deficiency after the submission deadline.

Non-curable deficiencies are deficiencies if corrected would change an applicant's score or rank versus other applicants.

Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application's score and final determination.

DUNS Number is the nine-digit identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. Requests for a DUNS number can be made by visiting the Online DUNS Request Portal. Eligibility requirements are mandatory requirements for an application to be eligible for funding. Deficiencies in meeting an eligibility requirement may be categorized as either curable or non-curable.

Federal Awardee Performance and Integrity Information System (FAPIIS) is a database that has been established to track contractor misconduct and performance.

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 in Grants.gov is required for submission of applications to prospective agencies.

NOTE: Passwords expire every 60 days. Accounts inactive for 1 year or more result in removal of all account roles. For more account management information, review the [Applicant FAQs](#) contained on the grants.gov web page.

Non-Federal Entity means a state, local government, Indian tribe, institution of higher education (IHE), or non-profit organization carrying out a Federal award as a recipient or subrecipient.

Point of Contact (POC) is the person who may be contacted with questions about the application submitted by the AOR. The point of contact is listed in item 8F on the SF424.

Promise Zones are federally-designated, high-poverty urban, rural and tribal communities where the Federal government will partner with and invest in communities to accomplish these goals: create jobs, leverage private investment, increase economic activity, expand educational opportunities, and reduce violent crime.

Promotores/Promotoras are Spanish-speaking Community Health Workers who work in their communities to reduce barriers to health services and make health care systems more responsive.

Recipient means a non-Federal entity receiving an award directly from HUD to carry out an activity under a HUD program.

Section 3 Business Concern means a business concern (1) 51 percent or more owned by Section 3 residents; or (2) of which at least 30 percent of permanent, full-time employees are currently Section 3 residents, or were Section 3 residents within three years of the date of first employment with the business concern; or (3) provides evidence of a commitment to subcontract over 25 percent of the dollar award of all subcontracts to be awarded to business concerns meeting the qualifications in this definition.

Section 3 Residents means: 1) Public housing residents; or 2) Low and very-low income

persons, as defined in 24 CFR 135.5, who live in the metropolitan area or non-metropolitan county where Section 3 covered assistance is expended.

Standard Form 424 (SF424) Application for Federal Assistance Programs, required by discretionary grant programs.

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

Subrecipient means a non-Federal entity receiving a subaward from a recipient to carry out part of a HUD program; but does not include an individual's beneficiary of such program.

A subrecipient may also receive other Federal awards directly from a Federal awarding agency (including HUD).

System for Award Management (SAM), is an official website of the U.S. government. You can access the website at [Sam.gov](http://Sam.gov) There is no cost to use SAM. SAM is the official U.S.

Government system that consolidated the capabilities of Central Contractor Registry (CCR), Excluded Parties List System (EPLS) and the Online Representations and Certifications Application (ORCA). Registration with [Sam.gov](http://Sam.gov) is required for submission of applications via [Grants.gov](http://Grants.gov).

Threshold Requirement – Threshold requirements are a type of eligibility requirement.

Threshold requirements must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility. Threshold requirements are listed in Section III.C. of this NOFA.

Applicants must ensure their application package addresses threshold requirements. Please check your application carefully!

#### **4. Program Definitions**

Administrative Costs are reasonable costs of overall program management, coordination, monitoring and evaluation. Such costs include, but are not necessarily limited to, necessary expenditures for the following: (1) Salaries, wages, and related costs of the recipient's staff or other staff engaged in program administration. (2) Providing or securing legal services, providing or securing financial management services such as accountants, consultants, sub-contractors, or others retained by the organization.

Affiliate is a business entity effectively controlling or controlled by another or associated with others under common ownership or control.

Allegation is an intake where there are one or more claims of a violation of a fair housing law. Allegations are only applicable to those protected classes under fair housing laws that are in effect within the applicant's service area.

Broad-based means not limited to a single fair housing issue (such as insurance, mortgage lending, or advertising), but rather covering more than one issue related to discrimination in the provision of housing covered under the Fair Housing Act.

Complaint is a filed fair housing complaint accepted by HUD or a FHAP agency as jurisdictional, or a complaint filed in a state or federal court alleging violations of the Fair

Housing Act.

Fair Housing Act is Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601-3620).

Fair Housing Assistance Program (FHAP) Agencies are agencies, as described in 24 CFR 115, means State and local fair housing enforcement government agencies that receive FHAP funds to administer laws deemed substantially equivalent to the Fair Housing Act.

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

Full-service Projects must provide services to members of all protected classes and include these enforcement-related activities in the project application: interviewing potential victims of discrimination; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; conciliating; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

Intake is a fair housing allegation contact/query received by a fair housing organization.

Intake does not include inquiries unrelated to fair housing including general housing, landlord/tenant or others. Intakes may be in-person or by phone, mail or email contact and documented through the fair housing organization's standard intake form or database entry. Information gathered at intake starts the fair housing process. Repetitive contacts from a single individual may not be counted as an intake unless the additional contact contains a new allegation or relates to a new respondent. Intakes do not include someone returning a non-enforcement related phone call, a telemarketer calling the office, or incoming personal phone calls.

Jurisdiction under the Fair Housing Act is established when the complaint is filed in a timely manner; the complainant has apparent standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) appear to be covered by the Fair Housing Act; and the subject matter and the basis of the alleged discrimination may constitute illegal practices as defined by the Fair Housing Act.

Lending discrimination means discriminatory practices against persons protected under the Fair Housing Act, in the mortgage process and includes actions that may violate the Fair Housing Act in the making, servicing, or purchasing of home loans or loans secured by a home. For instance, it includes – but is not limited to – the use of deceptive, misleading or discriminatory practices to sell services that promise foreclosure relief to homeowners, and the failure to deliver those services.

Meritorious Claims are enforcement activities by an organization that resulted in lawsuits, judgments, consent decrees, legal settlements, HUD or substantially equivalent agency (under 25 CFR 115.6) conciliations, or organization-initiated settlements, with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR 125.103), for complaints that are jurisdictional under the Fair Housing Act.

Operating Budget is an organization's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the period for which funding is

requested.

Partnership is a collaboration with one or more identified agencies, task forces, FHAP organizations, or other groups to successfully realize the service or activity planned. A partnership may be formal and contractual with specific roles and deliverables defined, or less formal cooperation through volunteer efforts accomplished without a contract.

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

Referral means referring to HUD or to a FHAP agency an intake, alleging possible violations of fair housing laws.

Regional/Local/Community-Based Activities are defined at 24 CFR 125.301(a) and (d). Rural Areas include any of the following:

a. A non-urban place having fewer than 2,500 inhabitants (within or outside of the metropolitan areas).

b. A county or parish with an urban population of 20,000 inhabitants or less.

c. Territory, including its persons and housing units, in rural portions of “extended cities.” The Census Bureau identifies the rural portions of extended cities.

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

e. Any place in whole or in part, not located in a Metropolitan Statistical Area.

Statement of Work (SOW) is a document that describes all the tasks necessary to do the work, includes all the steps needed for good management control and specificity regarding work to be done and deliverables, and provides a basis for mutual understanding of the requirements and tasks.

Systemic Housing Investigation is an investigation of alleged discrimination that is pervasive or institutional in nature, or where the collection and analysis of data to develop a complaint will involve complex issues, novel questions of fact or law, or will potentially affect large numbers of persons. Systemic investigations may focus not only on documenting facts involved in the alleged discriminatory housing practice that is the subject of the complaint; they may also involve the identification of additional victims or the reviewing of policies and procedures related to matters under investigation to make sure that they also comply with the nondiscrimination requirements of the Fair Housing Act. Systemic investigations may include investigation of discrimination in rental, sales, lending, or homeowner’s insurance practices and may include investigations into whether a HUD-funded entity has engaged in discriminatory practices or has failed to affirmatively further fair housing. Systemic investigations may be local, regional, or national in scope.

Technical Evaluation Panel (TEP) is a panel whose mission is to accomplish sound, impartial, and comprehensive evaluation of proposals consistent with the Notice of Funding

Availability. TEP members are selected from a diverse pool of evaluators, including HUD staff and outside (contract) individuals. Individuals are selected for TEP participation based on skill, background or expertise in areas which include but are not limited to fair housing experience, grant writing and evaluation expertise, strong analytical and writing skill, or education and outreach, civil rights or other related experience.

Testing is an investigative tool used to gather evidence. A test is a covert investigation by a QFHO or FHO involving one or more persons who initiate contact with a person or entity to gather information about housing policies, treatment and/or practices to compare with the requirements of fair housing laws or other civil rights laws. A test may involve comparing how persons similarly situated except for a protected characteristic are being treated.

Underserved Areas are areas where there are no Fair Housing Initiatives Program or Fair Housing Assistance Program agencies and where either no public or private fair housing enforcement organizations exist, or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations and there is a need for service.

Underserved Populations means groups of individuals who are:

- a. Of an immigrant population (especially racial and ethnic minorities who are non- English-speaking or have limited English proficiency);
- b. Living in a rural area;
- c. Homeless;
- d. Persons with disabilities (physical or mental); or
- e. Persons in areas where there is inadequate protection and ability to provide fair housing service from a State or local government or private fair housing organization.

## **5. Web Resources**

**The resources indicated provide details for the application process**

- [Affirmatively Furthering Fair Housing](#)
- [Code of Conduct list](#)
- [Do Not Pay](#)
- [Dun & Bradstreet](#)
- [Request a DUNS Number](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Subaward Reporting System\) FSRS](#)
- [Grants.gov](#)
- [Grants.gov support](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [HUD Funds available](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [NOFA webcasts](#)

- [Procurement of recovered materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Property Acquisition and Relocation](#)
- [USASpending](#)

## **B. Authority.**

1. Section 561 of the Housing and Community Development Act of 1987, as amended (42 U.S.C. 3616), established FHIP, and the implementing regulations are found at 24 CFR Part 125.
2. Consolidated Appropriations Act, 2018 (Public Law 115-141), approved March 23, 2018.

## **II. Award Information.**

### **A. Available Funds**

Funding of up to **\$6,130,337** is available through this NOFA.

Additional funds may become available for award under this NOFA as a result of HUD's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the applicable funding restrictions contained in this NOFA.

All remaining PEI-MY FY2018 appropriated funds will be used for continued PEI-MY funding of FY2016 and FY2017 PEI-MY grantees. Funding for the second and third year of the PEI-MY grants is subject to the availability of appropriations.

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

HUD expects to make approximately 20 awards from the funds available under this NOFA. The number of awards specified in this section includes "new" award funding only. The number of awards made from funds available under this NOFA depends on total funding, the number of eligible applicants, and other factors. For information on the methodology used to make award determinations under this NOFA, please see Section V.B Review and Selection

Process below.

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

The maximum award possible under this solicitation is \$300,000.00. Specific maximum PEI award amount(s) and other eligibility information is listed under Section III. Eligibility Information.

Estimated Total Funding:	\$6,130,337
Minimum Award Amount:	\$100,000 Per Project Period
Maximum Award Amount:	\$300,000 Per Project Period

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

The period of performance for PEI-MY projects is 36 months. Obligations should be made within six months of notice of award and all grants expended in the specified agreed upon timeframe(s) established in negotiations. However, expenditures should be no more than 18-24 months from award.

Estimated Project Start Date:	06/01/2019
Estimated Project End Date:	05/31/2022
Length of Project Periods:	36-month project period with three 12-month budget periods
Length of Project Periods Explanation of Other:	The total PEI Multi-Year Funding (PEI-MYFC) is \$30,750,000. Of this total, approximately \$24,619,663 is set aside based upon appropriations for FY 2016 and FY 2017 current Multi-Year grantees. The remaining funding of \$6,130,337 will be used to fund approximately 20 new FY 2018 grantees.  The period of performance varies based on the specific component for which an applicant applies. For PEI-MY projects, the period of performance is 36 months.

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

Funding Instrument Type:	Grant
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**X** Grant

HUD expects to award a fixed-price grant agreement to each applicant selected for award. The type of funding instrument HUD may offer a successful applicant that sets forth the relationship between HUD and the awardee will be a grant agreement, where the principal purpose is the transfer of funds, property, services, or anything of value to the awardee to accomplish an eligible public purpose.

The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement, reporting requirements

including sub-recipient reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, and integrity requirements under Section 872 of the Duncan Hunter Defense Authorization Act of 2009. HUD will determine the type of instrument under which the award will be made and monitor progress to ensure that the awardee has achieved the objectives set out in the agreement. Failure to meet such objectives may be the basis for HUD determining the awardee to be in default of the grant agreement and for exercising available sanctions, including suspension, termination, and/or recapture of funds. Also, HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

For grant agreements, HUD will conduct monitoring reviews, request quarterly reports, and approve all proposed deliverables as documented in the applicant's Work Plan or SOW. Most FHIP funds are awarded under grant agreements.

## **F. Supplementation.**

## **III. Eligibility Information.**

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

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

Additional Information on Eligibility:

Under this NOFA, eligible applicants must be Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement related experience and meritorious claims in the three years prior to filing this application, or Fair Housing Enforcement Organizations (FHOs) with at least one year of experience in the enforcement-related activities listed above in the two years prior to the filing of the application, or the organization is ineligible. Both FHOs and QFHOs must currently conduct these enforcement activities and operate a full- service program. Applicants must complete the Appendix B, "Certification for PEI Applicants" to confirm QFHO or FHO status.

If an organization does not currently have sufficient experience to qualify as a FHO or QFHO (see 24 CFR part 125.103 and 125.401), the organization may be eligible to apply under FHIP's Education and Outreach Initiative (FR-6200-21A) and/or Fair Housing Organizations Initiative (FR-6200-21B) NOFAs. Please see the correct NOFA for specific eligibility requirements.

#### Eligible Activities.

Eligible activities include, but are not limited to: (1) Intake of allegations of violations of the Fair Housing Act, testing, evaluating testing results, and providing other investigative work to provide a just resolution for violations of the Fair Housing Act that may violate federal, state or substantially equivalent local fair housing laws; (2) investigation of violations of the Fair Housing Act, through testing and other investigative methods including systemic investigations; (3) mediation or other voluntary resolution of allegations of violations of the Fair

Housing Act; (4) litigation of fair housing cases, including procuring expert witnesses, and (5) fair housing education activities. Activities are eligible only in cases involving conduct prohibited by, or rights protected under, the Fair Housing Act. HUD will allow applicants under the PEI-MY funding component to modify their activities in the second or third year with the approval of the General Technical Representative (GTR) based upon changing demographics and/or need. All applicants must review Appendix A for guidance on the format that should be used to list the applicant's proposed tasks/activities.

## **B. Cost Sharing**

This Program does not require cost sharing, matching or leveraging.

There is no statutory requirement for applicants to leverage resources; however, under Factor 4 applicants may receive points for leveraging resources.

## **C. Threshold Requirements.**

Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.

**1. Timely Submission of Applications** – Applications submitted after the deadline stated within this NOFA that do not meet the requirements of the grace period policy will be marked late. Late applications are ineligible and will not be considered for funding. See also Section IV Application and Submission Information, part D. Application Submission Dates and Times

2. Minimum Score. Applicants must receive a minimum Technical Evaluation Panel (TEP) score of 75 points to be considered for funding.

3. Eligible Activities. When the majority of the proposed activities are ineligible (more than 50%) HUD will not fund the application. HUD has the right to request information or documentation to clarify or confirm that activities are eligible fair housing activities.

4. Suits Against the United States. An application is ineligible for funding if, as a current recipient of FHIP funds (within the last three years), the organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

5. Other Litigation. An application is ineligible for funding if the organization proposes in its current application, or used funds provided by HUD (within the last three years) under this Program to fund or support the settlement of a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (42 U.S.C. 3616 note Sec. 561 (i))

Applicants that do not meet one or more of the Departmental or Program threshold requirements will not be eligible for funding.

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

### **Eligibility Requirements for Applicants of HUD's Grants Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is posted on HUD's Funding Opportunities Page ([click here](#)).

Resolution of Civil Rights Matters  
Outstanding Delinquent Federal Debts  
Debarments and/or Suspensions  
Pre-selection Review of Performance  
Sufficiency of Financial Management System  
False Statements  
Mandatory Disclosure Requirement  
Prohibition Against Lobbying Activities  
Equal Participation of Faith-Based Organizations in HUD Programs and Activities

#### **E. Program Specific Requirements.**

1. Applicants must be a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) under 24 CFR 125.103.
2. The application must demonstrate that the "applicant organization" is a broad-based and full service project (as defined under section I.A.3, Program definitions), or the application will be deemed ineligible. If the application has income restrictions for services, the application must identify this restriction, and describe how individuals who fall outside of the restrictions are being equally served and how that service is provided. If not provided, the applicant will be deemed ineligible.
3. Fair Housing Related Activities. All of the program related tasks/activities and costs within the Statement of Work (SOW) and budget must be fair housing related activities, and must demonstrate an explicit connection to furthering the non-discrimination provisions of the Fair Housing Act. HUD will not fund any portion of an application that is not eligible for funding under the regulatory requirements or that does not meet the requirements under this NOFA. Only the eligible portions of a successful application will be funded.
4. Fair Housing Act/Protected Classes. All FHIP-funded projects must address housing discrimination based on race, color, religion, sex, disability, familial status, and/or national origin and further the non-discrimination provisions of the Fair Housing Act. HUD is determined to ensure equal opportunity and access to housing in all communities across the nation. All services and activities must be available to all protected class members. The application's description of proposed activities must reflect the commitment to address housing discrimination affecting all of the above protected classes or the applicant is ineligible.
5. Eligibility of Successor Organizations for PEI. HUD recognizes that QFHOs and FHOs may either merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization with a separate Employer Identification Number (EIN) does not confer QFHO or FHO status upon the successor organization. To determine whether the successor organization meets eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization must establish in its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one-year experience for an FHO to be eligible to apply under the PEI Initiative. Under PEI, when QFHOs merge

with another QFHO during the period of performance, HUD will look at the enforcement related experience of the merged organization to determine continued eligibility status as a QFHO. When QFHOs merge with a FHO with at least one-year of experience, HUD will assess the eligibility of the new organization under the Multi-Year Funding Component. If HUD determines that the organization is eligible, then HUD will issue a new award agreement and require submission of a Code of Conduct for the new organization and an establishment of the new LOCCS account. In addition, the new organization must secure a new DUNS number and have an active registration in SAM before HUD will make the award to the new organization or allow additional funds to be drawn. If the new organization cannot secure a new DUNS number or register in SAM, then the grant will be suspended and terminated.

6. Applicants that received FY2016 or FY2017 PEI-MY funding are ineligible to receive a new FY2018 PEI-MY or to have their funding increased. Those applicants will receive funding at their current PEI-MYFC grant agreements, based on appropriations. Ineligible PEI-MY applicants may apply and receive funding under other initiatives/component(s) if all funding restrictions are adhered. Applicants must submit a separate application for each component and/or initiative which the applicant applies.
7. HUD will not fund an organization if the parent or its affiliate/subsidiary organization has an open grant (previously funded) under this same PEI component and will not fund both a parent organization and its affiliate/subsidiary organization under this NOFA for the same component.. In addition, HUD will not allow affiliate and parent organization staff sharing protocols whereby the parent organization shares key staff with an affiliate(s). All funded organizations must be fully independent functional enforcement organizations, e.g., able to conduct business on an on-going basis without support from parent or its staff to complete proposed program activities and set apart from parent organization.
8. A parent organization that is a QFHO or an FHO, and with a separate Employer Identification Number (EIN) does not confer QFHO or FHO status upon an affiliate organization. To determine whether the affiliate organization meets eligibility requirements for this Initiative, HUD will review the independent enforcement-related experience of the affiliate organization (based upon the organization's EIN). The affiliate organization, under that EIN must establish in its application that it is a private, tax-exempt organization with the requisite years of enforcement related independent staff and organization experience from that of the parent organization for a QFHO or one-year of independent staff and organization experience for an FHO to be eligible for funding.
9. Co-applicants or members of a consortium are not eligible applicants under this NOFA.
10. All applicants must meet the eligibility requirements as defined in Section III A.
11. Applicants must be a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) prior to the application deadline date to be eligible for funding. Applications must include an IRS report showing 501(c)(3) status. If an applicant's 501(c)(3) status has expired prior to application deadline date, the application must show that the organization has applied for renewal of tax-exempt status and that the application is pending. If 501(c)(3) status has expired and there is no information regarding the application for renewal in the organization's application at the deadline date, the applicant will be deemed ineligible. In addition, if an organization with a

pending 501(c)(3) application is selected for a funding award based on the review and selection process, the applicant must provide proof that the 501(c)(3) renewal was approved prior to release of funding. If the applicant's pending application for renewal is subsequently denied, the applicant's organization will be deemed ineligible and the award selection will be rescinded. Further, all applicants must maintain 501(c)(3) status throughout the grant period.

12. Amount in Excess of the Maximum Amount. Applicants are ineligible for funding if they request funding in excess of the maximum amount allowed under the initiative or component for which they have applied.
13. Inconsistencies in the Requested Amount or Miscalculations. Inconsistencies in the requested amount and/or miscalculations that result in amounts over the maximum award amount will be considered excessive and the application will be considered ineligible.
14. Performance. An organization is deemed ineligible for funding under this NOFA if the organization received a "poor" rating on its most recent performance assessment on a prior FHIP grant for any initiative/component. The organization will remain ineligible for a period of 2 years after the NOFA closure date unless the organization provides evidence that the rating was overturned through an appeal or that another resolution was accepted by the GTR/GTM to improve future performance.

In addition, if a "poor" performance rating on another FHIP grant is received after being selected and receipt of funding under this NOFA, all remaining FHIP grant funds received under this NOFA will be rescinded and the organization will be deemed ineligible. The organization will remain ineligible for a period of 2 years after receipt of the "poor" performance rating unless the organization provides evidence that the rating was overturned through an appeal or that another resolution was accepted by the General Technical Representative/General Technical Monitor (GTR/GTM) to improve future performance.

15. Research/survey Activities. Applicants are ineligible for funding if their project is aimed solely at research or data gathering (such as Audit Testing). If a successful application contains research and other data gathering activities, only the eligible portions of the application will be funded. In addition, proposed surveys must be approved by HUD and the OMB under the Paperwork Reduction Act before the application submission, or the activity is deemed ineligible.
16. Performance. FHAP agencies under a suspension or performance improvement plan, as designated under 24 CFR Part 115.210(a) and (b) at the time of application submission are ineligible for funding unless the performance issues are resolved to HUD's satisfaction before the application deadline

HUD reserves the right to request proof that an organization has met the program specific requirements if selected for funding. If selected, and proof is not provided, the applicant will be deemed ineligible. Applicants that do not meet one or more of the program specific eligibility requirements will be deemed ineligible for funding. Only applicants deemed eligible will be ranked and rated.

This program requires a certification of Consistency with the Consolidated Plan under 24 CFR 91.2. This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. The Consolidated Plan also includes the jurisdiction's certification to affirmatively further fair housing, which means: (1) that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with 24 CFR 5.150 through 5.180, and that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing; or (2) for jurisdictions that are not yet required to submit an AFH, they must continue complying with the regulations that existed prior to August 17, 2015, with respect to conducting Analyses of Impediments to Fair Housing Choice, as applicable. Under 24 CFR 91.510, for competitive programs, a certification of consistency of the application with the approved consolidated plan for the jurisdiction may be required, whether the applicant is the jurisdiction or another applicant. If you fail to provide the certification, and you do not cure the omission as a curable deficiency, HUD will not fund the application.

**Participative Planning and Implementation:** Applicants must identify the steps they will take to ensure that traditionally marginalized populations (such as racial and ethnic minorities and persons with disabilities) will be able to meaningfully participate in the planning process. The applicant must identify the specific populations that it will include, identify community organizations that represent these populations, and describe how these populations will be included in the planning process. For capital investment projects, grantees should commit to and demonstrate plans to employ low-income and very low-income persons and/or utilize Section 3 businesses at levels beyond those required by Section 3. In seeking public participation, applicants and recipients must ensure that all communications are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and, as applicable, the Americans with Disabilities Act. In addition, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Executive Order 13166 require that grantees take reasonable steps to ensure meaningful access to services, programs, and activities by persons with Limited English Proficiency (LEP persons).

## **F. Criteria for Beneficiaries.**

This program has eligibility criteria for beneficiaries.

**1. Single Audit Requirement.** All applicants who have expended \$750,000 or more in Federal financial assistance within a single year (this can be a program or fiscal year) must be audited in accordance with the requirements as established in 2 CFR Part 200.501. If an applicant receives \$750,000 or more in Federal financial assistance, the applicant's application must set aside funds to complete the audit.

**2. Dun and Bradstreet Numbering System.** (DUNS) Numbering Requirement. Refer to the General Section for information regarding the DUNS requirement referenced at IV.C. The DUNS number used in the application must be for the applicant organization identified in Box

8a on the HUD424, Application for Federal Financial Assistance.

**3. Independence of Awards.** The application submitted must be independent and capable of being implemented without reliance of other applications, or other grantees(s), including staff sharing protocols of key staff. Applicants applying under one of the FHIP Initiatives may not use the performance (e.g., performance review rating or successfully completed activities) of another organization to meet the requirements of Rating Factor 1.

**4. Testing Requirements for PEI Applicants.** If funded, during negotiations applicants must provide a copy of its organization's written policy demonstrating that the organization policy/policies comply with the FHIP Regulation at 24 CFR 125.107. In addition, applicants should be prepared to adopt policies and practices that include a criminal background check on potential testers, and require that potential testers certify under penalty of perjury that they meet the requirements under that section. Costs for all background checks should be included in the applicant's budget.

**5. Review and Approval of Testing Training Materials.** If funded, during negotiations, HUD may require the applicant to submit copies of these documents to HUD for review:

(1) The training materials to be provided for tester training; and

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

**6. Training Funds.** The applicant's proposed budget must set aside \$5,000 annually to be utilized to participate in HUD sponsored mandatory or approved training. Under the PEI MY component, the proposed budget must set aside \$5,000 annually for a 36-month duration subject to availability of appropriations. Do not specify amounts over \$5,000, per instructed above, for training set-aside in this category.

If an applicant is awarded more than one grant, HUD reserves the right to examine the requested training needs. If additional training funds are not needed, HUD reserves the right to transfer funds back to fair housing activities during negotiations.

7. Closeout should be undertaken as specified in 2 CFR Part 200.343.

## **IV. Application and Submission Information.**

### **A. Obtaining an Application Package.**

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

You must download both the Application Instruction and the Application Package from Grants.gov. To ensure you are using the correct Application Package and Application Instructions, you must verify the CFDA Number and CFDA Description on the first page of the Application Package, and the Opportunity Title and the Funding Opportunity Number match the Program and NOFA to which you are applying.

The Application Package contains the Adobe forms created by Grants.gov. The Instruction Download contains official copies of the NOFA, 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 DUNS is not deemed 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 HUD does not receive your written request at least 15 days before the application deadline or if you do not demonstrate good cause. An email request sent 15 days before the application will also be considered. If HUD waives the requirement, HUD must receive your paper application or email request before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you must contact:

Myron Newry

Email: [Myron.P.Newry@hud.gov](mailto:Myron.P.Newry@hud.gov)

Office of Fair Housing and Equal Opportunity

451 7Th Street S W

Washington, DC 20410

All waiver requests will be submitted to the Assistant Secretary for a final determination.

If you are granted a waiver, the notification will provide instructions on where to submit the application and how many copies are required. If you receive a waiver of the electronic application submission requirement, your paper copy application must be received by HUD in room 5222B no later than 4:30 pm eastern time on the application deadline date. HUD applications are scanned. The scanning facility at HUD Headquarters closes at 5:00 pm eastern time. Applicants must allow adequate time for the application to be scanned through this facility. Applications not received in 5222B by the 4:30 pm Eastern Time deadline date shall be deemed ineligible. There is no grace period for paper application submissions.

HUD will not accept a paper application without a waiver being granted and such paper applications will be returned to sender.

We advise you send your application via a carrier that provides a receipt of delivery. In addition, you will receive a confirmation (via HUD 2993 Form) confirming HUD's receipt. This HUD receipt may not come before the submission deadline.

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

You must verify boxes 11, 12, and 13 on the SF424 match the NOFA 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 CFDA and Funding Opportunity Number is not a curable deficiency and will result in your application being declared ineligible for funding.

### **1. Content.**

Forms for your package include the forms outlined below:

<b>Forms / Assurances / Certifications</b>	<b>Submission Requirement</b>	<b>Notes / Description</b>
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Certificate Regarding Lobbying	<p>All applicants (except as noted below) must submit with their application the signed Certification Regarding Lobbying included in the Application download from Grants.gov.</p> <p>Federally-recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally-recognized Indian Tribes are excluded from coverage of the Byrd Amendments.</p>	The Byrd Amendment and 24 CFR part 87 prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a specific award.
Application for Federal Assistance and Assurances-Non-Construction Programs	Also, in Box 15, along with the Initiative, an applicant should include the Component to which you are applying.	Both are required forms. Form SF424B covers compliance with Federal legal requirements such as age and sex discrimination, environmental standards, and the Uniform Relocation Act.
Disclosure of Lobbying Activities	SFLLL, if applicable	Submission of this form is required if any funds have been paid, or will be paid, to any person for influencing, or attempting to influence, or officer or employee of an agency, Member of Congress, an officer or employee of Congress, or an employee or Member of Congress for this commitment of the United States to enter into an award or cooperative agreement.
Applicant-Recipient Disclosure Update Report	HUD2880 ("HUD Applicant Recipient Disclosure Report");	Required form.
Survey for Ensuring Equal Opportunity for Applicants	HUD424 Supplement ("Faith Based EEO Survey (HUD424SUPP). Non-profit private organizations (not including private universities) are encouraged to submit the survey with their application. Applicants applying	Encouraged form.

	electronically, may submit this survey along with the application as part of the appendix or as a separate document.	
Certification of Consistency with Promise Zone Goals and Implementation, if applicable Communities, if applicable	Form HUD 50153, if applicable	This form is required if applicant would like to apply for Promise Zone Bonus points.
Race and Ethnic Data Reporting Form	HUD27061	Required form - post award
Budget Information	Form HUD424CBW ("HUD Detailed Budget Form and Worksheet)	Required form.
Acknowledgment of Application Receipt (HUD2993), if applicable	This form is applicable only to applications submitted on paper, following receipt of a waiver of electronic submission.	This form is not required but is available for applicants who want confirmation that their hard-copy application was received by HUD. The form must be submitted with the application, in accordance with the application submission instructions included in the waiver of electronic submission.

Additionally, your complete application must include the following narratives and non-form attachments.

- Applicants must respond to Rating Factors 1-5. Please provide a separate narrative response for each factor as described in Section V, "Application Review Information".
- Project Abstract (One-page summary including Initiative and component applied, amount of funding requested, general description of project activities, areas of concentration, and issues pending resolution, if any).
- Statement of Work (SOW) Narrative and SOW chart (see Appendix A for sample chart), and Narrative Budget Work Plan and Form Grant Application Detailed Worksheet (HUD424CBW).
- Any Factor 1 charts required under Section V of this NOFA.
- All applicants are required to complete Appendix B, PEI Eligibility Certification and

submit as a part of your application.

Further, all applicants must read and adhere to submission requirements under Section III, Eligibility. If an applicant chooses to submit an application(s) for other FHIP initiatives (FHOI or EOI) or for multiple components, the applicant must submit a separate completed electronic application for each Initiative and component the applicant is applying. All applications must be submitted on or before the deadline date.

## **2. Format and Form.**

Narratives and other attachments to your application must follow the following format guidelines.

- a. The maximum length of the narrative response is ten (10) pages per factor for each separate factor. Applicants may submit fewer pages if desired. The narrative pages must be double-spaced (do not include single-spaced text within double-spaced text required narrative pages or there will be a 1-point score reduction). This includes all text, titles and headings. Applicants are required to use 12 point font. You must respond fully to each rating factor to obtain maximum points. Failure to provide narrative responses to rating factors 1-5 or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factor. The following items do not count towards the ten page maximum: Statement of Work and Budget chart or other information, and Factor 1 Organization Experience chart(s).
- b. If an applicant cannot access the toll-free number or experience problems, please call (215) 825-8798 (this is not a toll-free number).

## **C. System for Award Management (SAM) and Dun and Bradstreet Universal Numbering System (DUNS) Number.**

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

Applicants must be registered with SAM before submitting their application. In addition, applicants must maintain an active SAM registration with current information while they have an active Federal award or an application or plan under consideration by HUD.

### **2. DUNS Number Requirement.**

Applicants must provide a valid DUNS number, registered and active at SAM, in the application. DUNS numbers may be obtained for free from [Dun & Bradstreet](#).

### **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 EBiz Point of Contact 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 submit an application through Grants.gov. Complete registration instructions and guidance are provided at Grants.gov. See also Section IV.B for necessary form and content information.

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

The application deadline is 11:59:59 p.m. Eastern time on **12/19/2018**. Applications must be received no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form. 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. Then Grants.gov assigns an application tracking number and **date-and time-stamps** 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 submitting an application.

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

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.

Please make note of the Grants.gov tracking number as it will be needed by the Grants.gov Help Desk if 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 include the fact of the extension in the program's Notice of Funding Awards required to be published in the [Federal Register](#).

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.

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

### **1. 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.

### **2. 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 not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

### **3. Late Applications.**

An application received after the NOFA deadline date that does not meet the Grace Period requirements will be marked late and will not be received by HUD for funding consideration. Improper or expired registration and password issues are not causes that allow HUD to accept applications after the deadline.

### **4. Corrections to Deficient Applications.**

HUD will not consider information from applicants after the application deadline. HUD may contact the applicant to clarify other items in its application. HUD will uniformly notify

applicants of each curable deficiency. A curable deficiency is an error or oversight that if **corrected** it would not alter, in a positive or negative fashion, the review and rating of the application. See curable deficiency in definitions section. 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 representative. The email is the official notification of a curable deficiency. Each applicant must provide accurate email addresses for receipt of these notifications and must monitor their email accounts to determine whether a deficiency notification has been received. The applicant must carefully review the request for cure of deficiency and must provide the response in accordance with the instructions contained in the deficiency notification.

Applicants 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 not exceed 14 calendar days or be less than 48 hours 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 (e.g., Subject: Technical Cure - GRANT123456). 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. This only applies to certain programs and responses should be sent to the NOFA specific program.

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 DUNS number as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a DUNS number and active registration in SAM will render the application ineligible for funding.

**5. Authoritative Versions of HUD NOFAs.** The version of these NOFAs as posted on Grants.gov are the official documents HUD uses to solicit applications.

## **E. Intergovernmental Review.**

This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

## **F. Funding Restrictions.**

1. **Retainer Fees.** FHIP recipients are under specific restrictions regarding establishment

of retainer agreements and recovery of legal fees from HUD-funded cases. Data on fees, settlements, and verdicts are matters of public record. Awardees must provide this information to HUD annually. Neither the grantee nor the individual(s) on whose behalf any action is filed can request that HUD waive these provisions.

2. **Reimbursement Requirement.** Grantees must reimburse the Federal government the amount of the grant from all financial settlements, conciliations, and agreements reached because of their use of FHIP funds. With prior approval from the HUD Government Technical Representative (GTR), grantees may choose to use the funds as program income to further fair housing activities rather than returning these funds to HUD.
3. **Limitations for Education & Outreach.** Under this NOFA, there is a 20 percent cap on the dollar amount allowed for education and outreach related activities. If the limit is exceeded, points will be deducted in the rating process and if awarded, funds will be adjusted to maintain the required limitation.
4. **Eligibility.** Applicants may not receive a FHOI Continued Development General Component (CDGC) award if they receive funding under the PEI-MY component, and vice versa.
5. **Performance Standards.** Applicants must maintain an annual performance assessment rating from the FHIP HUD GTR as “good” or funding may be reduced until performance issues are resolved and if unresolved, HUD has a right to rescind funding.
6. **Number of Awards.** An organization may not receive more than one award under a single component. This restriction includes organizations with separate EIN’s that apply separately for funding under a single component, but identify more than one of the same direct personnel and/or key staff for both organizations (i.e. key staff sharing). FHIP will fund only one organization. This restriction ensures FHIP’s commitment to continued program integrity by eliminating double payments under a single component to an organization or individuals. This restriction includes but is not limited to any organization affiliate, associate, subsidiary, or other organizations that engage in direct personnel and/or key staff sharing protocols.
7. **Administrative Costs.** Salaries, fringe benefits, and other administrative costs charged against the project or an program element for the sole purpose of administering the grant/cooperative agreements shall not exceed 10% of the annual grant award (Federal and cost share). One hundred percent of the salaries and fringe benefits related to these functions are considered administrative costs. Examples of administrative costs include, but are not limited to: preparation and submission of grant applications, fiscal tracking of grants funds, maintaining project files and performance measures, collection and submission of deliverables, accounting staff wages and benefits, building rent, consulting expenses, management wages and benefits (such as Executive Director and support staff), depreciation of office equipment, insurance, legal staff wages and benefits, office supplies. Building rent is eligible only under the following conditions: the rent must be for existing facilities not requiring rehabilitation or construction except for minimal alterations to make the facilities accessible for a person with disabilities; no repairs or renovations of the property may be undertaken with funds under this NOFA; and properties in the Coastal Barrier Resources System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased or rented with federal funds.

Non-administrative Costs. Salaries and fringe benefits related to the implementation of the

project or program element of the grant/cooperative agreement are not considered administrative costs. Example: the salaries and fringe benefits for technical staff to conduct work to accomplish specific Fair Housing goals as outlined in the program or project elements are not administrative costs.

### **Indirect Cost Rate.**

Normal indirect cost rules apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate.

Nongovernmental organizations and Indian tribal governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If you have never received a Federally negotiated indirect cost rate and elect to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (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 an organization elects to use the de minimis rate, the organization must apply this methodology consistently for all Federal awards until the organization chooses to negotiate for a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

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 federal funding, 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 federal funding and your department or agency unit has prepared and maintains documentation supporting an indirect rate proposal in accordance with 2 CFR part 200, appendix VII, you may use the rate and distribution base specified in your indirect cost rate proposal. Alternatively, if your department or agency unit receives no more than \$35 million in federal funding and has never received a Federally negotiated indirect cost 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 you choose 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. Application Certifications and Assurances**

By signing the SF424 either through electronic submission or in paper copy submission (for those granted a waiver), applicant affirms certifications and assurances associated with the application are material representations of the facts upon which HUD will rely when making an award to the applicant. If it is later determined the signatory to the application submission knowingly made a false certification or assurance or did not have the authority to make a legally binding commitment for the applicant, the applicant may be subject to criminal prosecution, and 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, and those applicable to applicants other than federally-recognized Indian tribes. All program-specific certifications and assurances are included in the program Instructions Download on Grants.gov.

**2. Lead Based Paint Requirements**

When providing education or counseling on buying or renting housing that may include pre-1978 housing, when required by regulation or policy, 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).

**V. Application Review Information.**

**A. Review Criteria.**

1. Rating Factors.

The criteria for rating and ranking applications, as well as the maximum points for each Rating Factor are provided below. Applicants must address all five rating factors. The maximum number of Rating Factor points awarded under this NOFA is 100.

The criteria for rating and ranking applications, as well as the maximum points for each Rating Factor are provided below. Applicants must address all five rating factors. The maximum number of Rating Factor points awarded under this NOFA is 100.

<b>Rating Factors Summary</b>	<b>Points</b>
<b>Capacity of Applicant and Relevant Organization Experience</b>	
Description and expertise of staff	20
Organization Experience	16
<b>Need/Distress/Extent of the Problem</b>	
Problem Statement	4

Highly segregated area focus	3
Proposed Solution	6
Immediacy of Need	2
Application of Funding	1
<b>Soundness of Approach</b>	
Proposed Statement of Work and Information Requirements	16
Budget and Cost Estimates	14
<b>Leveraging Resources/Developing Partnerships</b>	3
<b>Achieving Results and Program Evaluation</b>	
Measurement	5
Accountability	5
Implementation	5
<b>TOTAL</b>	<b>100</b>
<b>Preference Points – Promise Zone Designation</b>	<b>+2</b>

**Rating Factor 1** **Maximum Points: 36**

**Capacity of Applicant and Relevant Organizational Experience (up to 36 points).**

This factor addresses the extent to which the organization has the staff experience and organizational capacity necessary to successfully complete the proposed project by the end of the grant performance period. Applicants without the requisite experience may consider applying for a Fair Housing Organizations Initiative grant (FHOI) to improve capacity and gain the experience necessary to apply for future funds. Please see FHIP’s FHOI NOFA.

Under this NOFA, applicants must clearly address:

**(1) Description and expertise of staff (Up to 20 points)**

The applicant must describe staff expertise to show that the applicant organization will have both sufficient and qualified staff available to complete the proposed activities, including new hires and contractors or consultants. The applicant must:

(a) Describe the organization staffing plan including applicant plans to add staff (employees) or contractors. To receive full points, the staffing plan must:

1. Demonstrate that there is sufficient current applicant organization staff (more than one key staff) with fair housing related experience, at the time of the application due date and describe the organization's proposal to add staff and/or contractors to complete the proposed project. If the applicant or applicant staff perform activities in any capacity on other FHIP grants, the applicant must list the role and time staff devotes to all FHIP related activities that the organization/staff is undertaking, including as a grantee, sub-grantee, affiliate, contractor, consultant or any other capacity (this information may be provided in a chart or list, and will not be included within the 10-page limit). (up to 6 points). Failure to provide information that demonstrates that the applicant organization has current sufficient staff to complete the proposed project will result in 36 points being deducted from your application (for a total of 0 points under Factor 1 staffing and organization experience).
2. If the application proposes using contractors, the applicant must provide a statement describing how the organization will evaluate and provide oversight for each contractor. The staffing plan should also identify each staff assigned to the proposed project by name and position, and the percentage of estimated time that each will devote to the proposed project. This description must also identify the project's proposed Project Manager, by name and title, and percentage of time that the individual will devote to the proposed project. Project Managers under this initiative must devote at least;

**50 percent of time** to the proposed project. Points will be deducted if less time is identified.

If applicable, the applicant must identify FY2015, FY2016 and FY2017 FHIP grant awards, and identify each staff person assigned to the projects, including staff name, position and percentage of time devoted to those project(s). Staff time and effort under each Initiative/Component must represent time and effort over the entire grant period. Applicants who are applying for, or currently have multiple open FHIP grants must describe how the applicant will manage, operate, and maintain activities, performance requirements and timetables for these multiple grants. Failure to provide this information will result in the applicant receiving reduced points under this sub-factor. The applicant's listing or chart does not count towards the ten-page (10) limit for Factor 1. Applicants will not be deducted points for not identifying FY2015, FY2016 and FY2017 FHIP grant awards and sub-grantee projects if this section is not applicable. (Section 2 above - up to 6 points)

3. Describe each key staff person's experience as it relates the proposed project position. This should include fair housing related experience if the position is for a fair housing related professional. Experience should include that relating to enforcement activities and/or proposed fair housing training or disseminating information to the community. The staffing plan must describe how all key staff position (fair housing or otherwise) experience contributes to the proposed project. Please do not include resumes. For proposed hires, the applicant must identify the position, percentage of time the proposed staff will devote to the project, and the position requirements that will assist the organization in successful project completion. For proposed consultants or contractors, the

applicant must describe experience that contributes to the organization completing the proposed activities, including any fair housing related experience, if applicable. (up to 4 points)

4. Demonstrate that the organization has available staff with the appropriate training, expertise and experience to conduct tests or the applicant must propose a plan and budget (under Factor 3) for training and technical assistance for testing. If an applicant proposes complex testing, such as real estate sales, mortgage lending, or homeowner's insurance, the applicant must describe the specialized staff training, expertise and/or experience to complete the proposed testing activities (up to 4 points)

**(2) Organizational Experience (up to 16 points).** The applicant must describe the proposed project and the applicant organization's ability to complete the project within the grant period:

(a) Show that the applicant organization has conducted past project(s) similar in scope and complexity (whether FHIP funded or not) to the project proposed or engaged in activities that, although not necessarily similar, are readily transferable to the proposed project and the results. (Up to 4 points)

(b) Describe the applicant organization's experience working with populations of the targeted area of need, including diverse populations that have faced historic segregation. (Up to 2 points)

(c) Specify how FY2017 funds will include the capacity to conduct investigations, including systemic investigations, and how FY2017 funds will expand FHIP-funded activities or other fair housing enforcement activities toward increased housing discrimination investigations and other enforcement-related efforts. (Up to 2 points)

(d) Describe the applicant organization's current experience (within the last two years) in each of the following fair housing enforcement activities:

(1) number of complaints received and processed, by basis and issue;

(2) number of complaints referred to HUD for investigation;

(3) testing program, types of tests and basis, including number of tests conducted (both individual and systemic);

(4) investigative experience, apart from testing;

(5) summarize the complaint outcomes, including judicial and administrative findings, number of pending complaints, and number of awards and amount to plaintiffs of monetary and non-monetary relief; and

(6) activities that further the enforcement objectives of full-service and broad based fair housing activities. Applicants must show how that their proposed/provided fair housing enforcement project is both a full-service project addressing protected classes under the Fair Housing Act and that meets the need(s) outlined in Rating Factor 2; and a broad-based project.

Applicants must show how they have met these requirements in the past 2 years and outline specific instances for each category. The listing may be provided in a chart form and will not count against the 10-page limit. (Up to 8 points). If this information

is not provided, it is an automatic 8-point deduction.

Rating Factor 2

Maximum Points: 16

### **Need/Distress/Extent of the Problem (up to 16 points)**

This factor addresses the extent to which there is a need for funding the proposed activities, including addressing the needs of rural and underserved populations. The need(s) described must relate to the activities for which funds are being requested under factor (3).

To receive maximum points for elements 2- 5 below, applicants must demonstrate a direct relationship between the purpose of the program, the applicant's proposed activities, the fair housing needs of the community or communities, and how the applicant plans to address discrimination, including systemic discrimination, in a way that meets those fair housing needs.

**(1) Problem Statement:** Applicant should define the need(s) the applicant has identified. Applicants should reference supporting data/evidence demonstrating identified need is required. This may include but is not limited to Census data, Assessments of Fair Housing, Consolidated Plan, etc. (up to 4 points)

- (a) Describe the specific community fair housing needs that will be addressed under this application.
- (b) Address the target area's impediments to fair housing choice, if applicable.

**(2) Highly segregated or rural or underserved area focus:** Applicant should provide evidence demonstrating that they have worked in areas of need in highly segregated, rural or underserved locations. Maximum points will be provided if the applicant demonstrates how the funds requested through this NOFA will allow the organization to continue or expand work in highly segregated, rural or underserved locations. (Up to 3 points)

**(3) Proposed solution:** Applicant should describe their proposed solution to address systemic and other housing discrimination. Supporting evidence must be referenced in the application demonstrating the effectiveness of proposed interventions is required. Evidence may include but is not limited to case studies, evaluation of applicant's past best practices, etc. (up to 6 points)

- (a) Describe applicant's plan to address discrimination, including systemic discrimination, in a way that meets those fair housing needs.
- (b) Describe why this intervention will be effective.
- (c) Identify relevant information from various studies done by HUD or any other reliable source (Consolidated Plan, Analysis of Impediments to Fair Housing Choice AI)/Assessment of Fair Housing, statistics, etc.) used to support the need for fair housing activities in the proposed target area. Applicants should not submit copies of reports or supporting documentation in the application, but reference any reports, statistics or other data used by providing appropriate websites where the data or reports may be found. Reference information should be current within the last 5 years or two points will be deducted.
- (d) Describe the link between the need identified and the applicant's proposed activities. This description should include how the applicant's proposed activities meet the specific housing discrimination needs identified and documented for the targeted area. This may

include but is not limited to addressing: the presence of systemic housing discrimination, high segregation indices, or other documented evidence of discrimination prohibited by the Fair Housing Act within the project area.

(e) Address the organization's need to secure or provide language assistance services in languages other than English by describing the target population's language needs and actions the applicant will take to make the activities available to persons with such language needs. All printed material being disseminated to the public must be in English and two other languages. Please provide a brief description of what added languages will be used based on the targeted population and how materials in other languages will be translated and by whom.

**(4) Need:** Applicant should describe any potential imminent adverse consequences to persons in protected classes covered under the Fair Housing Act if not selected for funding. (up to 2 points)

**(5) Application of Funding:** Applicants must specify how the use of FY2018 funds will differ from prior projects and/or expand enforcement activities to increase systemic investigations of housing discrimination. (up to 1 point)

Rating Factor 3	Maximum Points: 30
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**Soundness of Approach (up to 30 points).** This factor addresses the soundness, quality, and effectiveness of the proposed work plan and the commitment of the applicant to sustain the proposed project activities.

**(a) Proposed Statement of Work (SOW) and Information Requirements (up to 16 points).** This sub-factor does not count toward the ten (10) page limit under this rating factor. Each applicant should complete a detailed SOW narrative and chart.

The sub-factor will be evaluated on the extent to which the applicant provides a clear detailed description of the proposed project activities, and where applicable, proposed outcome measures. The proposed SOW narrative should identify the proposed activities, the specific deliverables and the anticipated outcomes consistent with the activities outlined in the required SOW chart. Applicants must also include in their SOW narrative: a description of the continuation of existing activities or expansion or creation of systemic investigation(s) based on 2017 and prior FHIP funded activities or other fair housing enforcement activities.

Applicant's SOW narrative must correspond with the activities outlined in Attachment A. (SOW narrative - up to 6 points)

SOW chart (Appendix) A - Statement of Work. All applicants should use the format outlined in Appendix A as an example to describe the organization's specific SOW tasks. The Administrative Tasks in Appendix A are standard general tasks, however the tasks may be edited to fit the applicant's specific tasks. Under the Program Tasks section, each applicant should complete a detailed SOW based on the specific enforcement and EOI activities proposed in the organization's application, including activities and tasks, and proposed outcomes where applicable. The Statement of Work (SOW) program tasks must include complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims, and describe:

(1) all proposed project activities and major tasks (up to 3 points),

- (2) a list of team members/staff and partners as identified in Factor 1 who will be responsible and accountable for completing the task (up to 3 points),
- (3) the steps to complete the proposed activities required to successfully implement the proposed project (up to 2 points), and
- (4) the proposed outcomes where applicable under program tasks. (up to 2 points)

Applicants may receive up to 6 points for the submission of a complete SOW narrative and up to 10 points for a complete SOW chart. Applicants must submit a separate SOW and budget for each actual of the organization's activities (36 months) or up to 10 points will be deducted from this Factor.

**(b) Budget and Cost Estimates (up to 14 points).**

HUD will assess the soundness of the planned approach by evaluating the quality, thoroughness, necessity, cost effectiveness, and reasonableness of costs to carry out the project activities, and the rationale for the proposed budget and narrative. The applicant's budget submission must include the following for each separate year of funding (3 years): the applicant organization's Narrative Budget Work Plan and 424 CBW Budget Worksheet; a narrative budget work plan for all sub-contractors or sub-recipients; and a budget worksheet for sub-contractors or sub-recipients whose budget amounts exceeds \$5,000. The applicant must include the 424 CBW. If a 424 CB is included without the 424-CBW, up to 5 points will be deducted.

(1) The applicant's budget narrative and 424 CBW must relate to the tasks in the SOW, including identifying key team members/staff and partners, consistent with the list provided in Factor 1, who will be responsible and accountable for completing major tasks. In addition, the applicant's budget narrative should describe the organization's Financial Management Capacity, and its Board's role in financial management or oversight. In addition, applicant with current or prior FHIP grants should provide a listing or chart of the most recent of all HUD FHIP grants received from 2015 to current including the grant number, dollar amount awarded, the amount expended and obligated as of the 30 days prior to the date the application is submitted and describe the applicant's activities and results (outcomes) achieved in the previous FHIP grant.

(2) The applicant's narrative must describe their organization's capabilities in handling financial resources, disseminating payments to third parties, e.g. contractors, and maintaining adequate accounting and internal control procedures. In addition, applicants with current or prior FHIP grants should provide a listing or chart of the most recent of all HUD FHIP grants received from 2015 through 2017, including the grant number, dollar amount awarded, the amount expended and obligated as of the 30 days prior to the date the application is submitted and describe the applicant's activities and results (outcomes) achieved in the previous FHIP grant.

All Factor 3 criteria are exempt from the 10-page limit.

Applicants may receive up to 7 points for the Narrative Budget Plan, and up to 7 points for a completed 424 CBW. Under 424 CBW score, there will be an automatic 5 point reduction (in addition to any other point reduction(s)) if the applicant submits a 424 CB, but not the detailed 424 CBW). In addition, failure to submit a separate SOW and budget for each year will result

in 10 points being deducted from this sub-Factor.

Rating Factor 4 Maximum Points: 3

**Leveraging Resources/ Developing Partnerships (up to 3 points).** This factor addresses the ability of the applicant to increase capacity by developing partnerships and securing resources that can be combined with HUD's FHIP funds to assist the organization in successfully achieving the proposed project. Further, HUD expects these resources may also help organizations establish long-term partnerships and resources that may be maintained after funds have expired. While there is no statutory requirement for applicants to leverage resources, applicants may receive points under this factor for securing leveraging or collaboration resources as follows:

**a. Firm Commitment of Leveraging or Collaboration.** Leveraging of community resources may include funding or in-kind contributions, such as workspace, services or equipment, allocated to facilitate proposed project activities. Contributions or cash from the applicant, affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Nor may an applicant request the waiver of fees to be collected as leveraged funds. Cash or funds from an applicant's previously established investment account(s) may qualify as in-kind resources; however, support documentation must be provided. Resources may be provided by governmental entities (including FHAP and other HUD programs if such costs are allowed by statute), public or private nonprofit organizations, faith based organizations, for profit or civic private organizations, or other entities' planned contributions.

In order to obtain points for leveraging third party resources the application must provide signed letters of firm commitment or signed agreements/statements from the organizations and/or individuals that will provide financial or in-kind support for your project on the respective organization's letterhead.

(1) Each letter of firm commitment or documents must:

- (a) State definitively a commitment to provide funding or in-kind resources (although the commitment may be on the condition that your organization receives a FHIP award);
- (b) Identify the organization and/or individual committing resources to the project and state the timeline for these funds in relation to the project. The letter should identify any affiliation with the applicant;
- (c) Identify the sources and amounts of the leveraged resources (the total FHIP and non FHIP amounts must match those in your proposed budget submitted under Rating Factor 3); and
- (d) Describe how these resources will be used for the proposed project; and
- (e) Be dated and signed by the individual or organization official legally able to make commitments for the organizations on the organization's official letterhead.

If applicants fail to meet these requirements, they will not receive points under this Rating Factor.

If the resources are in-kind or donated goods, the firm commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. Do not include indirect costs as a part of any in-kind resources. In-kind leveraging contributions,

and Program Income (income derived from fund raising, investment income, or interest generated on FHIP funding) must comply with 24 CFR Part 200 requirements. Goods and services secured with FHIP funds cannot be used for any in-kind or donated services (services of a current staff person on a FHIP funded project). If after award leveraged resources are subsequently withdrawn or modified from the approved amount, the Government Technical Representative may deem the grantee ineligible to receive any remaining FHIP funds under this award.

There will be no points awarded for general letters of support endorsing the project from organizations, including elected officials at the local, State, or national levels, and/or individuals in your community. If at least 10% of your project is not supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for each Initiative based on the following scale:

Points Awarded	Leveraging Resources
Two	From 10 percent to less than 30 percent of total project costs from non FHIP resources
Three	Less than 30 percent of total project costs from non-FHIP resources AND a letter of firm commitment from a FHAP which when combined together, exceeds 30 percent of the total project costs  OR  30 percent or more of total project costs from non FHIP resources

**Rating Factor 5** **Maximum Points: 15**

**Achieving Results and Program Evaluation (15 Points)**

Applicants will be reviewed on the organization’s plan to achieve the proposed project objectives and goals.

Based on the narrative statements (staff, proposed activities etc.) that the applicant provided in Factors 1 through 3, HUD will assess the extent to which the applicant demonstrates how results of the project will be measured and accountable to ensure effective program management.

The applicant should outline its strategy for evaluating and improving (if necessary) the organization’s program performance against proposed activity goals during the grant period:

The applicant must describe:

1. Measurement (up to 5 points) – What strategy or strategies will the organization utilize to measure its outputs and outcomes? Points are given to organizations that propose performance indicators that evaluate outcomes and/or outputs and that can result in reliable, valid data. This description should include but is not limited to describing: (a) data collection methods used to measure outputs and outcomes; (b) technological tools in place to capture, maintain, and share data;

2. Accountability (up to 5 points) - What strategies will be put into place to assure applicant accountability in meeting the stated outputs and outcomes?
- Identify factors/indicators that will be used to determine if outcomes are successful, if possible improvements are necessary, etc.;
  - Identify time-lines for continuous evaluation and adjustments if necessary.
  - Explain the impact of the grantee's SOW activities on enforcement actions and express outcomes for each activity using the grantee's past experience as a determining factor. Applicants should explain how their organization's numbers are validated.
  - State the number of people receiving remedies through the organization's Fair Housing Act enforcement work per case over a five-year period. Further, applicants should show the monetary relief received through their Fair Housing Act enforcement work over a five-year period.
  - Show what percentage of enforcement actions resulted in changes in local ordinances or state statutes over a five-year period.

3. Implementation (up to 5 points) - Applicants must also describe specific, actionable evidence that your proposed performance indicators (strategies) are likely to be implemented.

- (a) High Standards – How will the organization track and evaluate implementation of the proposed measurement and accountability strategies, including success through improved efficiency and effective program management?

## 2. Preference Points.

HUD encourages activities in Promise Zones (PZ) communities. HUD will award two (2) points for qualified activities within a designated zone or area.

To receive Promise Zones Preference Points, applicants must submit form HUD 50153, Certification of Consistency with Promise Zone Goals and Implementation, signed by the Promise Zone Official authorized to certify the project meets the criteria to receive preference points. To view the list of designated Promise Zones and persons authorized to certify, please see the Promise Zone pages on [HUD's website](#).

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

### **1. Past Performance**

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

- a. The ability to account for funds appropriately;
  - b. Timely use of funds received from HUD;
  - c. Timely submission and quality of reports submitted to HUD;
  - d. Meeting program requirements;
  - e. Meeting performance targets as established in the grant agreement;
  - f. The applicant's organizational capacity, including staffing structures and capabilities;
  - g. Time-lines for completion of activities and receipt of promised matching or leveraged funds;
- and

h. The number of persons to be served or targeted for assistance. HUD may reduce scores as specified under V.A. Review Criteria. Each NOFA will specify how past performance will be rated or otherwise used in the determination of award amounts. Whenever possible, HUD will obtain past performance information from staff with the greatest knowledge and understanding of each applicant's performance. If this evaluation results in an adverse finding related to integrity or performance, HUD reserves the right to take any of the remedies provided in Section III.D 1. Pre-selection Review of Performance, above.

## **2. Assessing Applicant Risk**

HUD may impose special conditions on an award as provided under 2 CFR 200.207:

1. Based on HUD's review of the applicant's risk under 2 CFR 200.205;
2. When the applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal Award;
3. When the applicant or recipient fails to meet expected performance goals; and
4. When the applicant or recipient is not otherwise responsible.

This section incorporates past performance with the assessment of applicant risk. For current FHIP grantees, past performance will be assessed as part of applicant risk and based on the applicant's most recent FHIP Government Technical Representative (GTR) Final Performance Assessment Report received from the applicant HUD GTR. GTR Final Performance Assessment Reports contain these items: (1) performance of all requirements under the grant, (2) acceptance of work performed, and (3) quality of performance. Up to 3 points will be deducted from the applicant's overall rating score as follows:

- 1 point if the applicant received less than an "Excellent"
- 1 point if the applicant received less than a "Good"
- 1 point if the applicant is deemed "high risk"

An organization is deemed ineligible for funding under this NOFA if the organization received a "poor" rating on its last performance assessment on a prior FHIP grant for any initiative/component.

In addition, HUD evaluates the integrity of the applicant as reflected in government-wide websites, information in HUD's files, the federal Do Not Pay portal, public information and information received during HUD's Name Check Review process. If this integrity evaluation results in an adverse finding, HUD reserves the right to take any of the remedies provided in Section III.C.4.a.5, Do Not Pay website Review.

## **3. Rating and Ranking.** Applicants may be funded under this component:

- (a) Multi-year Funding Component (MYFC)

**4. For all initiatives.** The maximum number of points to be awarded for the Rating Factors is 100. Applicants may also be awarded 2 preference points for Promise Zones. The total points available under this NOFA is 102.

**5. Ineligible Applications.** Ineligible applications will not be rated or ranked.

**6. Minimum Score to be Funded.** Only applications with a rating of 75 points or more will be considered of sufficient quality for funding.

**7. Tie Breaking.** When two or more applications have the same total overall score, the application with the higher score under Rating Factor 2 will be ranked higher. If applications still have the same score, the tie will be broken by the Rating Factor 1 score. If a tie remains, then the tie will be broken by the Rating Factor 3 score. And if a tie still remains, the application committing the greatest Leveraged funds under Rating Factor 4 will be selected.

**8. Adjustments to Funding.** HUD may approve an application for an amount lower than the amount requested, fund only portions of the application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to the grant agreement, under 2 CFR 200.207, or where:

- a. HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
- b. An ineligible activity is proposed in an otherwise eligible project;
- c. Insufficient funding amounts remain to award the full amount requested in the application, and HUD determines that partial funding is a viable option;
- d. The past record of key personnel warrants special conditions; or,
- e. An applicant has not included the mandatory training funding allocation in the budget and the applicant is selected for an award, HUD will modify the applicant’s budget, reallocating the appropriate training amount.
- f. An applicant is awarded more than one grant, HUD reserves the right to examine the requested training needs and transfer funds back to fair housing activities during negotiations, if additional training funds are not needed.

**9. Reallocation of Funds.** After all applications within funding range have been selected or obligations are completed in an Initiative if funds are still available, HUD will have the discretion to reallocate those remaining funds among Initiatives:

– Any remaining funds will be reallocated first within this Initiative. If after reallocating funds within the Initiative funds still remain, they shall be reallocated to FHOI, then to EOI.

**C. Anticipated Announcement and Award Dates.**

HUD expects to announce the award of funds by March 2019 and anticipates a start date of June 2019.

**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 have not been chosen for award. Notifications will be sent by email to the person

listed as the AOR in item 21 of the SF-424.

### 1. Applicant Notification and Award Procedures.

a. Information about the review and award process will not be available during the HUD evaluation period, which begins on the application deadline date for this NOFA and lasts for approximately 90 days thereafter. However, you will be advised, in writing or by telephone, if HUD determines that your application is ineligible, or has technical deficiencies which may be corrected. HUD will only communicate with persons specifically identified in the SF424 in the application. HUD will not provide information about the application to any third party such as contractors.

b. If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. The selection is conditional and does not become final until the negotiations are successfully concluded and the grant or cooperative agreement is signed and executed based upon the negotiations. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application as the Project Director. HUD will not negotiate with any third party (i.e., a contractor, etc.). The Grant Officer and Government Technical Representative will determine on a case-by-case basis if technical assistance or special conditions are required.

c. Applicant Scores. After awards are announced, applicants will receive a copy of their final score. HUD will not release the names of applicants or their scores to any third party. Upon request via email or mail FHIP will provide applicants a list of frequent areas where the Technical Evaluation Panel deducted points. This panel information will consist of a review of areas in which applicants frequently lose points such that all applicants may make modifications to strengthen their applications.

### **B. Administrative, National and Department Policy Requirements for HUD recipients**

For this NOFA, the following General Administrative Requirements and Terms for HUD Financial Assistance Awards apply. Please [\[click here\]](#) to read the detailed description of each applicable requirement.

#### 1. Compliance with Non-discrimination and Other Requirements.

Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFAs. Please read the following requirements carefully as the requirements are different among HUD's programs.

- Compliance with Fair Housing and Civil Rights Laws.
- Affirmatively Furthering Fair Housing.
- Economic Opportunities for Low-and Very Low-income Persons (Section 3).
- Improving Access to Services for Persons with Limited English Proficiency (LEP).
- Accessible Technology.

#### 2. Equal Access to Housing Regardless of Sexual Orientation or Gender Identity.

3. Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business.
4. Equal Participation of Faith-Based Organizations in HUD Programs and Activities.
5. Participation in HUD-Sponsored Program Evaluation.
6. OMB Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
7. Drug-Free Workplace.
8. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended.
9. Accessibility for persons with Disabilities.
10. Conducting Business in accordance with Ethical Standards/Code of Conduct.

### **C. Reporting.**

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

**1. Reporting Requirements and Frequency of Reporting.** Applicants should be aware that if the total Federal share of your Federal award includes more than \$ 500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200-Award Term and Condition 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. NOFAs may specify the data collection and reporting requirements. Many programs use the Race and Ethnic Data U.S. Department of Housing OMB Approval No. 2535-0113 Reporting Form HUD-27061.

In view of these requirements, recipients should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on [www.HUDclips.org](http://www.HUDclips.org).

**3. 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.

4. Quarterly Reporting. All grant recipients under this NOFA are required to submit quarterly and a final report which identify their program's output and outcome achievements. Quarterly reports should contain responds to the following:

1. How many persons does the organization propose to serve? How is the estimate derived?
2. How many clients have been served?
3. Of those served, how many resulted in cases?
4. How many cases were resolved?
5. How many cases were litigated?
6. What is the total amount of damages the organization received for victims of discrimination by case settlements and litigation?

7. Describe how many cases were resolved to the benefit of the client, and how those clients benefited.
8. How many jurisdictions developed policies to remove barriers to fair housing as a result of FHIP PEI engagement with local jurisdictions/regional organizations?

For quarterly and the final report, recipients will be required to meaningful data derived from client feedback on how they benefited from your project's activities in quarterly and final performance reports. Recipients will also report outcomes and evidence of continued project success, which may include but are not limited to: (1) positive customer experience; (2) efficient and effective administrative costs; (3) high ethical standards; (4) overall positive community/target area changes; (5) innovative strategies that contribute to cost effectiveness and other program improvements and success stories (give an example of an enforcement success, e.g., outputs and outcomes of settlements or systemic investigations).

#### **D. Debriefing.**

For a period of at least 120 days, beginning 30 days after the public announcement of awards under this NOFA, 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 authorized official whose signature appears on the SF424 or by his or her successor in office, and be submitted to the point of contact in Section VII Agency Contact(s), below. 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 Contacts.**

HUD staff will be available to provide clarification on the content of this NOFA. Questions regarding specific program requirements for this NOFA should be directed to the point of contact listed below.

Myron Newry  
(202) 402-7095  
[Myron.P.Newry@hud.gov](mailto:Myron.P.Newry@hud.gov)

Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Please note that HUD staff cannot assist applicants in preparing their applications.

#### **VIII. Other Information.**

##### **1. National Environmental Policy Act.**

**This NOFA provides funding under the Fair Housing Initiatives program (FHIP) at 24 C.F.R. part 125, which does not contain environmental review provisions because it concerns activities that are listed in 24 C.F.R. 50.19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C.**

**4321)** Accordingly, under 24 CFR **50.19(c)(5)**, this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). In accordance with 24 CFR 50.19(b)(2), (3), (4), (9), (12), (13) of the Federal regulations, activities under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

2. Additional Program Requirements include:

**a. Product Information.** Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) four days before release for approval and acceptance. The GTR will work with the Office of Education and Outreach for information clearance and approval.

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

**c. Copyright Materials.** You may copyright any work eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 2 CFR 215.36.

**d. Complaints Against Awardees.** Each FHIP award is overseen by a HUD Grant Officer (See [www.hud.gov](http://www.hud.gov) for list of FHEO Regional Directors). Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP requirements, terms or conditions of the grant, or any other applicable statute, regulation or other requirement, HUD will take appropriate action under 24 CFR § 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP under 24 CFR part 24.

**e. Double Payments.** If you are awarded funds under this NOFA, you (and any contractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federally assisted project.

**f. Performance Sanctions.** A grantee or contractor violating the requirements in its grant or cooperative agreement will be liable for such sanctions as authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any federal agency.

**g. Corrections to Deficient Applications.** In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so uniformly for all applicants. HUD may not seek clarification of items or responses that improve the substantive quality of an applicant's response to any rating factors or which correct deficiencies which are in whole or part of a rating factor. Applicants will have five business days from date of notification to submit the required documents to HUD. Applicants will be notified by email and telephone about corrections to ensure notification. The applicants must submit the corrections by using the form HUD90611 found in their downloaded

application to submit the technical cures to HUD.

h. For preparing and submitting applications, please assure HUD’s compliance with: a) Executive Order 13132 which prohibits an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs not required by statute, or preempt state law, unless the relevant requirements of Section 6 of the executive order are met; and Sections 102 and 103 of the Department of Housing and Urban Development Reform Act of 1989.

**Appendix.**

**APPENDIX A**

**STATEMENT OF WORK - SAMPLE FORMAT** - The Administrative Tasks listed in Appendix A are standard general tasks, however an applicant may edit the section to fit the applicant's specific necessary tasks. Under the Program Tasks section, each applicant should complete a detailed SOW based on the specific enforcement and/or EOI activities proposed in the organization's application, including activities and tasks, and proposed outcomes where applicable.

**FY2018 NOFA**

**Statement of Work for:**

The recipient, \_\_\_\_\_, agrees to undertake the following activities in accordance with its FY 2018 application for funding under the Initiative-- \_\_\_\_\_ Project (if applicable) for a \_\_\_\_\_-month project commencing \_\_\_\_\_ 2018 in the geographic area of \_\_\_\_\_.

<b>ADMINISTRATIVE TASKS</b>			
<b>Activities</b>	<b>Tasks</b>	<b>Submitted By</b>	<b>Key Person(s)</b>
1. Assign staff to project	Submit assignment memo or other documentation assigning staff by name and number of hours to be spent on the project.	30 days	
2. Execute subcontract agreements (if any)	Submit draft contract for GTR approval. Submit copy of signed agreement.	30 days	
3. Submit evidence of compliance with 24 CFR 125.107	Submit copy of organization written conflict of interest policy, demonstrating 24 CFR 125.107 compliance including conflict of interest and other	TBD during negotiations	

(if program activities include testing)	requirements		
4. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change	Quarterly when changes occur	
5. Complete SF-LLL Disclosure of Lobbying Activities	Submit updated form. If no changes occur, submit statement of no change	Quarterly when changes occur	
6. Quarterly Report of Performance	Submit (2) copies of quarterly report of performance. Include outcomes and progress towards achieving outcomes	Quarterly	
7. Complete SF-425 Financial Status Report and Written Quarterly Status Reports on All Activities	Submit (2) copies of SF-425 and Coy of Written Report	Quarterly	
8. Voucher of Payment	Submit payment request to LOCCS	Per payment schedule	
9. Complete listing of current or pending Grants/ Contracts/Other Financial Agreements	Submit listing for Recipient and any contractors	45 days and At the end of grant	
10. Prepare summary of First Year (36 month grants)	Submit summary of first year accomplishments	395 days	
11. Prepare and submit draft of Final Report	Submit (2) copies of draft final report. Report summary should include <b>objectives, accomplishments and results (outcomes)</b> . Complaint and testing activities should summarize data on complaints received and test conducted by basis and issue and outcomes should include number of credible, legitimate complaints filed with HUD, State and local Fair Housing Agency, Department of	One month before end of grant term.	

	Justice or Private Litigator; and Types of Relief/Results.		
12. Complete final report and all program products produced under the grant (with CD/ flash drive, where feasible) to HUD.	Submit (2) copies of the Final Report and all final products not previously submitted to GTR and GTM. Submit activities and database entry sheet(s) or detailed description of items to HUD.	Within 90 days after end of grant term.	

**(Program Tasks)**

<b>PROGRAM TASKS</b>			
<b>*Activities (sample only) activities and tasks are based on an organization's individual proposed activities and tasks.</b>			
<b>Activities/Tasks</b>	<b>Outcome(s)</b>	<b>Submitted By</b>	<b>Key Person</b>
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new material. Task: List of materials requested and copy of final products.		90 days	
2. Review/refine referral process to refer potential victims to HUD, DOJ, a state of local agency, or a private attorney. Task: Copy of referral process. All audit-based enforcement actions should be referred to HUD.		45 days	
3. Intake and process complaints, including testing and referral. Complete Enforcement Log which details complaints received; dates; the protected basis of complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing; including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred. Task: Submit copy of Enforcement Log and a report on number of enforcement proposals referred to HUD.		Quarterly	

4. Submit tester training and other forms for review/approval.		60 days	
5. Train staff on fair housing. Task: number of hours spent in training.			
6. Conduct at least ___ training for landlords, lenders, insurers or real estate agents.			
7. Conduct at least ___ trainings for potential victims of discrimination.			
8. Make at least ___ referrals of non-fair housing issues.			
9. Evaluate at least ___ potential complaints for enforcement.			
10. Distribute fair housing PSA to ___ media outlets			
11. Conduct ___ meetings with housing industry and/or government officials			
12. Provide fair housing information to local/ state officials on obligations to AFFH.			
13. Develop partnership with local university (or others) to develop and execute innovative approaches for the creation of diverse communities.			
14. Conduct ___ fair housing workshops for members of the protected classes and housing industry personnel.			

**APPENDIX B**  
**CERTIFICATION FOR PEI APPLICANTS**

Applicant Name: \_\_\_\_\_  
(Applicant name same as it appears on SF 424)

In accordance with 24 CFR 125.103 (definitions) and 125.401 (Private Enforcement Initiative), which states:

§125.401 Private Enforcement Initiative.

(a) The Private Enforcement Initiative provides funding on a single-year or multi-year basis, to investigate violations and obtain enforcement of the rights granted under the Fair Housing Act or State or local laws that provide rights and remedies for discriminatory housing practices that are substantially equivalent to the rights and remedies provided in the Fair Housing Act. Multi-year funding may be contingent upon annual performance reviews and annual appropriations.

(b) Organizations that are eligible to receive assistance under the Private Enforcement Initiative are:

(1) Qualified fair housing enforcement organizations.

(2) Fair housing enforcement organizations with at least 1 year of experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims. For the purposes of meeting this 1 year qualification period, it is not necessary that the activities were conducted simultaneously, as long as each activity was conducted for 1 year. It is also not necessary for the activities to have been conducted for a continuous year. An organization may aggregate its experience in each activity over the 2-year period preceding its application to meet Title 24: Housing and Urban Development.

I \_\_\_\_\_ certify that

Applicant name as it appears on SF 424

\_\_\_\_\_ is a private,

Applicant Organization name as it appears on SF 424

tax-exempt, nonprofit, charitable organization and has a “letter of determination” from the IRS confirming 501(c)(3).

AND

I \_\_\_\_\_ certify that

Applicant name as it appears on SF 424

\_\_\_\_\_ is a Qualified Fair  
Applicant Organization name as it appears on SF 424

Housing Organization (QFHO) or a Fair Housing Enforcement Organization (FHO) with at least one year's experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims?

As defined by 24 CFR Part 125.103, my organization is:

\_\_\_ QFHO (entity has at least 2 years of enforcement-related experience); and organization is currently engaged in each of the activities at the time this application is submitted: Complaint intake; Complaint investigation; Testing for fair housing violations; and Enforcement of meritorious claims.

OR

\_\_\_ FHO (entity has at least 1 year of enforcement-related experience); and is currently engaged in each of the activities and upon receipt of funds will continue to be engaged in each enforcement-related activity: Complaint intake; Complaint investigation; Testing for fair housing violations; and Enforcement of meritorious claims

I certify that \_\_\_\_\_ did not, is not  
Applicant name as it appears on SF 424  
and will not use contractors/sub-contracts, or sub-grantees services to meet the above eligibility requirements.

I \_\_\_\_\_ certify (1) to the  
Authorized Organization Representative (print/signature)  
statements I have checked above and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with the resulting terms and conditions if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may be subject to criminal or civil or administrative penalties. (US Code Title 218 Section 1001)

NOTE: The Technical Evaluation Panel will verify this certification through the organization's response to Factor 1. In accordance with FHIP regulation at 125.103, "the Department may request an organization to submit documentation to support its claimed status as an FHO."