



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

Office of Lead Hazard Control and Healthy Homes

Healthy Homes Production Grant Program for Tribal Housing

FR-6100-N-44

Application Due Date: 07/18/2018

Healthy Homes Production Grant Program for Tribal Housing  
FR-6100-N-44  
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## U.S. Department of Housing and Urban Development

<b>Program Office:</b>	Office of Lead Hazard Control and Healthy Homes
<b>Funding Opportunity Title:</b>	Healthy Homes Production Grant Program for Tribal Housing
<b>Announcement Type:</b>	Initial
<b>Funding Opportunity Number:</b>	FR-6100-N-44
<b>Primary CFDA Number:</b>	14.913
<b>Due Date for Applications:</b>	<b>07/18/2018</b>

### Overview

**For Further Information Contact:** Please direct questions regarding the specific program requirements of this Program Notice of Funding Availability (NOFA) to the agency contact identified in Section VII. Please direct general questions regarding the FY2017 NOFAs to the Office of Strategic Planning and Management, Grants Management and Oversight Division, at [AskGMO@hud.gov](mailto:AskGMO@hud.gov).

### Additional Overview Information

Incorporation of the General Section. HUD publishes a General Section each fiscal year that contains requirements for all applicants to HUD's various competitive grant programs, including this NOFA. Applications must meet all of the requirements of the General Section in addition to the requirements of this NOFA to be considered and potentially receive funding. The full title of the General Section is the General Section to HUD's Fiscal Year 2017 Notices of Funding Availability for Discretionary Programs. Copies are available at [Grants.gov](http://Grants.gov) and HUD's [Funds Available](#) page.

1. Participative Planning and Implementation. HUD encourages applicants to ensure, where applicable, public decision making and meaningful participation throughout the visioning, development, and implementation of funded projects. HUD encourages applicants to work with all residents of affected areas, especially communities traditionally marginalized from planning processes. In seeking public participation, applicants and grantees must ensure that all communications are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and, as applicable, the Americans with Disabilities Act. In addition, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Executive Order 13166 require that grantees take responsible steps to ensure meaningful access to services, programs, and activities by persons with Limited English Proficiency (LEP persons).

2. OMB Approval Number(s): 2539-0015

## **I. Funding Opportunity Description.**

### **A. Program Description.**

#### **1. Purpose and Summary.**

The Healthy Homes Production (HHP) Program is part of HUD's overall Healthy Homes Initiative launched in 1999. The program takes a comprehensive approach to addressing multiple childhood diseases and injuries in the home by focusing on housing-related hazards in a coordinated fashion, rather than addressing a single hazard at a time. The program builds upon HUD's experience with Lead Hazard Control programs to expand the Department's efforts to address a variety of high-priority environmental health and safety hazards.

Applicants receiving an award will be expected to accomplish the following objectives:

- a. Maximize both the number of vulnerable residents (such as, specifically children and elderly residents) protected from housing-related environmental health and safety hazards and the number of housing units where these hazards are controlled;
- b. Identify and remediate priority housing-related health and safety hazards in privately owned, low-income rental and/or owner occupied housing, especially in units and/or buildings where where families with children, elderly families, or families with persons with disabilities reside;
- c. Promote cost-effective and efficient healthy home methods and approaches that can be replicated and sustained;
- d. Support public education and outreach that furthers the goal of protecting children and other vulnerable populations from housing-related health and safety hazards;
- e. Build local capacity to operate sustainable programs that will prevent and control housing-related environmental health and safety hazards in low- and very low-income residences and develop a professional workforce that is trained in healthy homes assessment and remediation principles;
- f. Promote integration of this grant program with housing rehabilitation, property maintenance, weatherization, healthy homes initiatives, other lead-based paint hazard control programs, other health and safety programs, and energy efficiency improvement activities and programs;
- g. Build and enhance partner resources to develop the most promising, cost-effective methods for identifying and controlling key housing-related environmental health and safety hazards;
- h. Promote collaboration, data sharing, and targeting between health and housing departments;
- i. Ensure to the greatest extent feasible that job training, employment, contracting, and other economic opportunities generated by this grant will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons in the area in which the project is located. For more information, see 24 CFR 135;
- j. Further environmental justice, the fair treatment and meaningful involvement of all people within the target communities regardless of race, color, national origin, disability, or income regarding the development, implementation, and enforcement of environmental laws,

regulations, and policies;

k. Comply with Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and its implementing regulations at 24 CFR 8, and Titles II and III of the Americans with Disabilities Act. Each of these prohibits discrimination based on disability; and

l. Obligation to affirmatively further fair housing. Note that besides being an “objective” of this NOFA, the obligation to affirmatively further fair housing is also a civil rights related program requirement.

## **2. Changes from Previous NOFA.**

This is the first time the Healthy Homes Production NOFA has been offered since 2012. This round of healthy homes program funding is only available to American Indian and Alaska Native tribal governments (Federally Recognized) and American Indian and Alaska Native tribal governments and tribal organizations. As this Healthy Homes NOFA is offered for the first time for tribal housing, it will be conducted as a demonstration grant to determine the feasibility of the concept.

## **3. Definitions.**

### **a. Standard Definitions**

Analysis of Impediments to Fair Housing Choice (AI) is a review of impediments or barriers that affect the rights related to fair housing choice, and pertains to program participants in jurisdictions operating under a current Consolidated Plan and public housing agencies operating under a PHA Plan.

Assessment of Fair Housing (AFH) is the analysis undertaken pursuant to 24 CFR 5.154. AFH includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, the prioritization of contributing factors, and the identification of fair housing goals. It is conducted and submitted to HUD using the Assessment Tool. Entities obligated to prepare and submit an AFH are: (1) Jurisdictions and Insular Areas that are required to submit Consolidated Plans for the following programs: (i) The Community Development Block Grant (CDBG) program (see 24 CFR part 570, subparts D and I); (ii) The Emergency Solutions Grants (ESG) program (see 24 CFR part 576); (iii) The HOME Investment Partnerships (HOME) program (see 24 CFR part 92); and (iv) The Housing Opportunities for Persons With AIDS (HOPWA) program (see 24 CFR part 574); and (2) Public housing agencies (PHAs) receiving assistance under sections 8 or 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f or 42 U.S.C.1437g).

Authorized Organization Representative (AOR) is the person authorized by the E-Biz point of contact in the System for Award Management to submit applications on behalf of the organization. The AOR is listed in item 21 on the SF-424.

Catalog of Federal Domestic Assistance (CFDA) is a directory of the various Federal programs, projects, services and activities that offer 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, which they complete 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 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 with respect to awards, subawards, and cooperative agreements subject to 2 CFR part 200 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 and 200.92.)

Contractor means an entity that receives a contract.

Deficiency – 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;
  - Not influence how an applicant is ranked or scored versus other applicants; and
  - Be remedied within the time frame specified in the notice of deficiency.
- Non-Curable Deficiency – An applicant cannot correct a non-curable deficiency after the submission deadline. Non-curable deficiencies are deficiencies that 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 – Eligibility requirements are those requirements that must be met 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 that serves as the Federal government's central portal for searching for and applying for grants throughout the Federal government.

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

Pass-through Entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

Personally identifiable information (PII), as defined in [Office of Management and Budget M-07-16](#), is any information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

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 SF-424.

Preferred Sustainability Status Communities (PSS) for the purposes of HUD's FY2017 funding competitions, are communities that have received PSS under HUD's FY2011 Sustainable Communities Regional Planning Grant Program and/or HUD's FY2011 Community Challenge Planning Grant Program. [Click here for list](#). 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 that receives an award directly from HUD to carry out an activity under a HUD program.

Section 3 Business Concern means a business concern (1) that is 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) that provides evidence of a commitment to subcontract over 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet 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 a HUD-assisted project for housing or community development is located.

Standard Form 424 (SF-424) is the Application for Federal Assistance Programs required by discretionary grant programs.

Subaward means an award provided by a pass-through entity to a subrecipient for the

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

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a HUD program; but does not include an individual that is a 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), located at the website [sam.gov](http://sam.gov), 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 in order for an application to be reviewed. Threshold requirements are not curable. Threshold requirements are listed in Section III.C.1. Threshold Requirements of this Program NOFA.

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

#### b. Program Definitions

- Capacity Building. Providing resources to build local capacity for work to address housing related health hazards, including but not limited to lead-based paint hazard control work. This could include delivery of Essentials for Healthy Homes Practitioners Course and completion of other HUD-approved courses that further the effectiveness of healthy homes initiatives, housing-related health hazard interventions, weatherization, as well as lead hazard control interventions.
- Document. When the NOFA asks you to document something it means that you should provide written information and/or data in your application to satisfy that particular NOFA requirement.
- Equipment. You may not purchase or lease equipment having a per-unit cost in excess of \$5,000, except for the purchase or lease of one X-ray fluorescence (XRF) analyzer to be used exclusively by the grant program. Award recipients that purchase (XRF) analyzers must submit the General Services Administration's annual Tangible Personal Property Report, and its components, Standard Form (SF) 428 and SF 428-A through 428-D, the Annual Report, the Final (Award Closeout) Report, and the Disposition Report/Request, and, if needed, the Supplemental Sheet (see <https://www.grants.gov/web/grants/forms.html>). Generally, the average estimated time to complete each of these form components is 0.5 hours; it is likely to be less for this grant program. For purchasing or leasing equipment under \$5,000 apiece, the recipient

need not complete the Tangible Personal Property Report.

- Insurance. Securing liability insurance for housing-related environmental health and safety hazard evaluation and control activities, if the scope of the insurance is restricted to work under this grant. Note: If the scope of the insurance is restricted to work under this grant; the cost is a direct cost. If the scope of the insurance is not restricted to work under this grant, such as insurance for facilities or those costs covered under an indirect cost rate plan, the insurance cost is considered an indirect cost.
- Lead Safe Housing Rule compliance. Conducting planning, coordination, and training activities to comply with HUD's Lead Safe Housing Rule (24 CFR 35, subparts B-R). These activities must support the expansion of a workforce properly trained in lead-safe work practices that is available to conduct interim controls on HUD-assisted housing covered by these regulations. Activities should also include a outreach and collaboration to Public Housing Agencies serving the community.
- Low Income Family. A family whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. However, HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. HUD's most recent income limits are posted at [www.huduser.gov/portal/datasets/il.html](http://www.huduser.gov/portal/datasets/il.html).
- Occupant Blood Testing. Conducting pre-hazard control blood lead testing of persons residing in or frequently visited units undergoing lead hazard control work.
- Professional Certifications and Licenses. Securing and maintaining certification and licenses for identification, remediation, and clearance of lead and other housing-related health and safety hazards. There are no specific healthy homes certifications required, however it is encouraged that some healthy homes related training is received by the grantee.
- Tribal Resolution. The formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable (24 CFR 1003.4).
- Tribally designated housing entity or Native American tribal organization. (See 25 U.S.C. § 4103(22).) For the purposes of this NOFA:
  - (A) An Indian housing authority, with respect to any Indian tribe that has not taken action under subparagraph (B), and for which an Indian housing authority was established for purposes of the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.) before October 26, 1996, that meets the requirements under the United States Housing Act of 1937, is acting on October 26, 1996, as the Indian housing authority for the tribe, and is not an Indian tribe for purposes of this chapter; or
  - (B) An entity other than the tribal government established by exercise of the power of self-government of one or more Indian tribes independent of State law, or by operation of State law providing specifically for housing authorities or housing entities for Indians, including regional housing authorities in the State of Alaska, to receive grant amounts and provide assistance for affordable housing for Indians.

- Tribe, or Native American tribal governments (Federally recognized). (See 25 U.S.C. § 4103(13)(B).) For the purposes of this NOFA, any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450 et seq.).
- Worker Protection. Performing blood lead testing or air sampling to protect the health of the hazard control workers, supervisors, and contractors.

#### 4. Resources.

- [Grants.gov](#)
- [HUD Funds available](#)
- [Code of Conduct list](#)
- [SAM](#)
- [Dun & Bradstreet](#)
- [Do Not Pay](#)
- [FAPIS](#)

#### **B. Authority.**

The Healthy Homes Production Program is authorized under Section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. § 1701z-1) as a demonstration program, and funding is provided by the Consolidated Appropriations Act, 2017, P.L. 115-31, approved May 5, 2017. This program is administered under HUD's Office of Lead Hazard Control and Healthy Homes (OLHCHH).

## **II. Award Information.**

#### **A. Available Funds.**

**\$12,000,000** 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 described in the General Section and to those contained in this NOFA.

The available funding is based on the enacted FY2017 HUD appropriations.

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

HUD expects to make approximately 12 awards from the funds available under this NOFA.

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

The maximum award amount for the Healthy Homes Demonstration Program grant (Catalog of Federal Domestic Assistance (CFDA) number 14.913) is \$1,000,000. The minimum award amount is \$500,000.

Estimated Total Funding:	\$12,000,000
Minimum Award Amount:	\$500,000 Per Project Period
Maximum Award Amount:	\$1,000,000 Per Project Period

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

Estimated Project Start Date:	11/01/2018
Estimated Project End Date:	10/31/2021
Length of Project Periods:	36-month project with three 12-month budget periods
Estimated Project Start Date:	09/28/2018
Estimated Project End Date:	09/27/2021
Length of Project Periods:	36-month project period with three 12-month budget periods
Length of Project Periods Explanation of Other:	

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

Funding Instrument Type:	Grant
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### **F. Supplementation.**

## **III. Eligibility Information.**

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

Native American tribal governments (Federally recognized)  
Native American tribal organizations (other than Federally recognized tribal governments)  
**Eligible applicants are any Indian tribe, band, group, or nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska native village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or which had been an eligible recipient under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221).**

An applicant must be eligible as an Indian Tribe (or as a tribal organization), as required by 24 CFR 1003.5, by the application deadline date.

1. Tribes:

Tribes eligible to receive funding under this NOFA must be listed in the following publication “Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs.” See Eligible Indian Entities –

2. Tribal Organizations:

Tribal organizations are permitted to submit applications under this NOFA on behalf of eligible tribes if one or more eligible tribe(s) authorizes the organization to do so by tribal resolution. The Bureau of Indian Affairs (BIA) or the Indian Health Services (IHS), must provide a letter that states that the tribal organization is eligible under Title I of the Indian Self Determination and Education Assistance Act. You must provide a copy of this letter with your application. HUD will not review an application submitted by a tribal organization on behalf of a specific tribe if the tribe itself submits an application under this NOFA.

HUD does not award grants to individuals. HUD will not evaluate applications from ineligible applicants.

HUD does not award grants to individuals. HUD will not evaluate applications from ineligible applicants.

**B. Cost Sharing or Matching.**

This Program requires an applicant to leverage resources through cost sharing or matching as described below.

This Program requires an applicant to leverage resources through cost sharing or matching as described below. All match sources must be indicated on the SF424 within lines 18b – e and on the Form HUD 424\_CBW columns H-O.

Generally, Federal sources are not allowed to be used as cost share or match unless otherwise permitted by a program’s authorizing statute (for example, HUD’s Community Development Block Grants program or the Indian Housing Block Grant programs).

The chart below describes the match percentage requirement, minimum percentage of Federal funds for healthy homes related activities, and maximum administrative cost (as a percentage of federal funds).

**Match Requirements and Costs Table.**

<b>Program</b>	<b>Minimum Match (of federal request)</b>	<b>Minimum Healthy Homes Direct Costs</b>	<b>Maximum Administrative Costs</b>
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Healthy Homes Production (CFDA 14.913)	10 percent	65 percent	10 percent
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Matching Funds Evaluation. You must provide clear documentation with your application of the source and use of all eligible match funds you want to be considered for meeting the minimum required. (See also, the paragraph on Evidence of match commitment, below.)

NOTE: You are responsible for providing the total amount of the match dollars for proposed contributions with your application. Even if any of these contributions are not received from committed donors during the period of performance of the grant, you are still responsible for providing the match you proposed, during the period of performance.

As noted in the General Section, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth in 2 CFR part 200, apply to this Federal award. You must also note that all shared costs or matching funds and contributions must meet the criteria set forth in 2 CFR 200.306, including the requirement in 2 CFR 200.306(b)(5) that any shared costs or matching funds and contributions must not be paid by the Federal government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs. In addition, the proposed use of matching funds must be for those costs allowable under this NOFA.

Permissible Match Contributions. Examples of eligible sources that are permissible as match contributions include:

- Documentation of Contributions from Property Owners. Homeowners or landlords (owners) may contribute match dollars. You must provide detailed documentation of the cost to be paid by the homeowner or landlord. Only owner contributions for eligible activities will count as match. Owner contributions must be supported and verified by a third party: for example, materials or labor that the owner paid for or provided must be substantiated via receipts/records. You must document and verify all owner-provided labor through a third party, and this labor must be valued at market rates.
- Donations. The value of in-kind donated items, such as paint and other materials or equipment that are used for healthy homes or lead-based paint hazard control, must be established at market rates. or services or products provided at a discounted rate and used an eligible use under the grant, the discounted part of the fee or price is the eligible match, not the entire value of the services or products. For example; if a supply company provides a product to the contractor at a lower rate, the difference in the cost of the product the supplier would typically charge and the discounted rate is a match if otherwise eligible.
- Third Party In-Kind Contributions. See 2 CFR 200.306 for additional information on third party in-kind contributions.

### **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. See also Section I.A.3. Definitions.

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

2. Resolution of Civil Rights Matters. Outstanding civil rights matters must be resolved before the application deadline. Applicants who after review are confirmed to have civil rights matters unresolved at the application deadline will be deemed ineligible; the application will receive no further review, will not be rated and ranked, and will not receive funding.

a. Applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD’s satisfaction before or on the application deadline date are ineligible for funding. Such matters include:

- (1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;
- (2) Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);
- (3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
- (4) Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or the Americans with Disabilities Act; or
- (5) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

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

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

- Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- Current compliance with a consent order or consent decree;
- Current compliance with a final judicial ruling or administrative ruling or decision; or
- Dismissal of charges.

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

### **1. Compliance with Non-discrimination and Related Requirements.**

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

#### **Affirmatively Furthering Fair Housing.**

Section 808(e)(5) of the Fair Housing Act requires HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. HUD requires recipients of funds, including those awarded and announced under HUD's FY 2017 Program NOFAs not specifically exempted, to take meaningful actions that affirmatively further fair housing.

Unless otherwise specified elsewhere in this Program NOFA, an applicant must discuss how it will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with Section 808(e)(5) of the Fair Housing Act. If the applicant operates in a jurisdiction with an accepted Assessment of Fair Housing, the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in any applicable Consolidated Plan or Public Housing Agency Plan.

Federally recognized Indian tribes are not subject to the requirement to affirmatively further fair housing in their use of certain HUD funds. Other tribal entities may also be exempt. If a tribal entity's use of HUD funds is subject to the Fair Housing Act, then its proposed activities under a particular program NOFA should be consistent with the AFH's fair housing goals and with fair housing strategies specified in any applicable Consolidated Plan.

#### **Economic Opportunities for Low-and Very Low-income Persons (Section 3).**

Certain programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 135. The regulations at 24 CFR part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low-and very low-income persons where a proposed project is located.

To implement 24 CFR 135.9(a) of the Department's Section 3 rules, program NOFAs where Section 3 applies must include information regarding how Section 3 activities will be considered in rating the application, the evaluation criteria utilized, and the rating points assigned. (See 24 CFR 135.9(a).) Applicants subject to this requirement must describe their plans to train and employ Section 3 residents and contract with Section 3 businesses. By submission of an application for programs covered by Section 3, applicants certify compliance with Section 3 requirements.

Section 3 fund recipients must comply with 24 CFR part 135. HUD encourages recipients to search the national Section 3 Business Registry to find local businesses that prioritize hiring Section 3 residents.

Information regarding the business registry may be found at <https://portalapps.hud.gov/Sec3BusReg/BRegistry/What>

### **Improving Access to Services for Persons with Limited English Proficiency (LEP).**

Executive Order (E.O.) 13166 seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have LEP. Recipients of HUD funds shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD published Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). LEP guidance and LEP information is available on [HUD's website](#).

### **Accessible Technology.**

Section 508 of the Rehabilitation Act (Section 508) requires HUD to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allows persons with disabilities to access and use information and data comparably to those without disabilities unless an undue burden would result to the Federal agency. HUD encourages its recipients to adopt the goals and objectives of Section 508 by ensuring comparable access whenever EIT is used. Recipients must also comply with Section 504 of the Rehabilitation Act and, where applicable, the ADA. These statutes also require effective communication with individuals with disabilities and prohibit EIT-imposed barriers to access information, programs, and activities by persons with disabilities. (See Information on [accessible technology](#).)

## **2. HUD- or Federal government-wide Requirements.**

a. Outstanding Delinquent Federal Debts – It is HUD policy, consistent with the purposes and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), that applicants with outstanding delinquent federal debt will not be eligible to receive an award of funds, unless:

- A negotiated repayment schedule is established and the repayment schedule is not delinquent, or
- Other arrangements satisfactory to HUD are made prior to the award of funds by HUD.

If satisfactory arrangements cannot be completed within 90 days of notification of selection, HUD will not make an award of funds to the applicant, and instead offer the award to the next eligible applicant. HUD may act earlier than the above stated 90 days to ensure, in HUD's determination, that the funds can be obligated in a timely manner. Applicants selected for funding, or awarded funds, must report any changes in status of current agreements covering federal debt. HUD may withhold funding, terminate an award, or seek other remedies from a grantee if a previously agreed-upon payment schedule has not been followed or a new agreement with the federal agency to which the debt is owed has not been signed.

b. Sufficiency of Financial Management System. HUD will not award or disburse funds to applicants that do not have a financial management system that meets Federal standards as described at 2 CFR 200.302. HUD may arrange for a survey of financial management systems for applicants selected for award who have not previously received Federal financial assistance, where HUD Program officials have reason to question whether a financial management system meets Federal standards, or for applicants considered high risk based on past performance or financial management findings.

c. Debarments and/or Suspensions – Under 2 CFR 2424, no award of Federal funds may be made to debarred or suspended applicants, or those proposed to be debarred or suspended from doing business with the Federal government.

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

e. Pre-selection Review of Performance. – If your organization has delinquent federal debt or is excluded from doing business with the Federal government, the organization may be ineligible for an award. In addition, before making a Federal award, HUD reviews information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), and the “Do Not Pay” website. HUD may consider other public sources such as newspapers, Inspector General or Government Accountability Office reports or findings, or other complaints that have been proven to have merit. Applicants may review and comment on any information in FAPIIS through SAM. HUD reserves the right to:

- Deny funding, or with a renewal or continuing award, consider suspension or termination of an award immediately for cause,
- Require the removal of any key individual from association with management or implementation of the award, and
- Make provisions or revisions regarding the method of payment or financial reporting requirements.

f. Mandatory Disclosure Requirement. Recipients or applicants must disclose in writing to the awarding program office at HUD, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award within ten days after learning of the violation. Recipients that have received a Federal award including the term and

condition outlined in Appendix XII to Part 200—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

g. Conducting Business in Accordance with Ethical Standards/Code of Conduct –

Before entering into an agreement with HUD, applicants selected for award must ensure an up-to-date copy of the organization’s code of conduct, dated and signed by the Executive Director, Chair, or equivalent official, of the governing body of the organization has been submitted to HUD.

Codes of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities over minimal value by officers, employees, or agents for their personal benefit; and outline administrative and disciplinary actions available to remedy violations of such standards. (See 2 CFR 200.112 and 2 CFR 200.318.)

If the recipient has a parent, affiliate, or subsidiary organization, whether non-profit or for-profit, the recipient must also maintain written standards of conduct covering organizational conflicts of interest. “Organizational conflicts of interest” means that because of relationships with a parent, affiliate, or subsidiary organization, the recipient is unable, or appears to be unable, to be impartial in administering the award or serving as a pass-through-entity.

h. Conflict of Interest of Consultants or Technical Experts Assisting HUD – Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2017 Program NOFAs are subject to 18 U.S.C. 208, the federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2017 Program NOFAs may not serve on a selection panel and may not serve as a technical advisor to HUD. Anyone involved in rating and ranking FY 2017 Program NOFA applications, including departmental staff, experts and consultants must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD’s Office of General Counsel Ethics Law Division the following information, if applicable:

- How the selection or non-selection of any applicant under a FY 2017 Program NOFA will affect the individual’s financial interests, as provided in 18 U.S.C. 208, or
- How the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding an FY 2017 program NOFA. Applicants with questions regarding these provisions or concerning a conflict of interest, please call the Office of General Counsel, Ethics Law Division, at (202) 708-3815 (this is not a toll-free number). The phone

number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Services service at 1-800-877-8339.

i. . Prohibition Against Lobbying Activities. Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR part 87, which prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a specific award. All applicants must submit with their application the signed Certification Regarding Lobbying included in the Application download from Grants.gov. In addition, applicants must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities,” any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts. Federally-recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally-recognized Indian tribes as a result of the exercise of the tribe’s sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement. Applicants must submit the SF-LLL if they have used or intend to use non-federal funds for lobbying activities.

k. Consistency with the Consolidated Plan and Analysis of Impediments (AI)/Assessment of Fair Housing – Certain competitive Programs require applications to contain a certification of consistency with a HUD-approved Consolidated Plan. This certification means that the proposed activities are consistent with the jurisdiction’s strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. The Consolidated Plan also includes the jurisdiction’s certification to affirmatively further fair housing which means, among other requirements, that the jurisdiction has conducted an AI/Assessment of Fair Housing. If a program NOFA requires a certification of consistency with the Consolidated Plan and you fail to provide the certification, and you do not cure the omission as a curable deficiency, HUD will not fund the application.

Under HUD’s regulations at 24 CFR 91.2(d), an applicant’s PHA Plan must include a certification by the appropriate state or local official that the PHA Plan is consistent with the applicable Consolidated Plan for the jurisdiction in which the PHA is located and must describe the manner in which the applicable contents of the PHA Plan are consistent with the Consolidated Plan.

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

### **1. Eligible activities.**

**a. Administrative Costs.** You can utilize up to 10 percent of the federal award for payments of reasonable grant administrative costs related to planning and executing the project, preparation/submission of HUD reports, etc. Administrative costs must be reflected under each appropriate line items (e.g., salaries, fringe, supplies, on the Form HUD\_424\_CBW) and a detailed cost element breakdown in the budget narrative must be provided. The 10 percent administrative cost cap for this program must include any indirect cost rates placed in HUD share budget columns, as well as the sum of the budget line items that have inherent administrative costs, plus any administrative costs of sub recipient organizations (also detailed

by budget line item and budget narrative).

There are two categories of administrative costs: direct administrative costs and indirect costs. For the purposes of this grant, all direct administrative costs and all indirect costs count towards the 10 percent administrative cost limit.

(1) Direct Administrative Costs. Direct administrative costs are the reasonable, necessary, allocable, and otherwise allowable costs of general management, oversight, and coordination of the grant (i.e., program administration). Such costs include, but are not necessarily limited to, expenditures for:

(a) Salaries, wages, fringe benefits, and related costs of the recipient's staff engaged in program administration that can be specifically identified with the grant. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose primary responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any program administration activities. The recipient may use only one of these methods during the grant period. Program administration includes, but is not limited to, the following types of activities:

- Providing local officials and citizens with information about the program, except for targeted outreach, affirmative marketing, education or outreach for lead hazard control programs;
- Preparing program budgets and schedules, and amendments thereto;
- Developing systems for assuring compliance with program requirements, except for participating in technical studies, or developing information systems to enhance the delivery, analysis, or conduct healthy homes and/or lead hazard control activities;
- Developing interagency agreements and agreements with sub recipients and contractors to carry out program activities;
- Monitoring program activities for progress and compliance with program requirements, except for on-site monitoring of healthy homes and/or lead hazard control;
- Preparing reports and other documents related to the program for submission to HUD;
- Coordinating the resolution of audit and monitoring findings;
- Evaluating program results against stated objectives; and
- Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraphs 1 and 2 of this section (above).

(b) Travel costs incurred for official business in general program administration that can be specifically identified with the grant program;

(c) Transportation costs incurred for general program administration that can be specifically identified with the grant program;

(d) Equipment, supplies (especially office supplies), and materials used for program administration that can be specifically identified with the grant program;

(e) HUD-required or HUD-approved trainings or conferences; and

(f) Certification and licensing costs required for program administration responsibilities.

(2) Indirect Costs, if applicable. Indirect facilities and administrative (F&A) costs are, by nature, administrative and represent the expenses of doing business that are not readily identified exclusively with a specific grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of activities it performs. These types of costs are often referred to as “overhead costs.” 2 CFR 200, subpart E—Cost Principles, establishes the federal requirements for the determination of allowable and unallowable direct and indirect (F&A) costs, and is available at: [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title 02 /2cfr2 00 main 02 .tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title%202/2cfr200main02.tpl). Indirect (F&A) costs may only be charged to an OLHCHH grant program under a cost allocation plan or an indirect cost rate agreement or in accordance with the requirements of 2 CFR 200.414(f), on the de minimis rate.

**b. Healthy Homes Direct Costs.** Healthy homes direct costs are defined specifically as the performance of healthy homes identification and remediation activities. Awardees must expend at least 65 percent of grant funds on direct healthy homes remediation and related activities.

(1) Outreach, Education, and Training. Conducting targeted outreach, affirmative marketing, education or outreach programs on housing related health and safety hazards that will result in an increase of awareness and participation in the grant program activities or that are designed to increase the ability of the program to deliver grant program services.

(2) Identification and remediation of housing-related health and safety hazards to identify and correct hazardous conditions that pose a likelihood of harm to occupant health, if not addressed. Should lead based paint hazards be identified, they should be remediated.

(3) Conducting sampling and analysis for lead, allergens, carbon monoxide and/or other housing-related health and safety hazards as appropriate, following established protocols and procedures when possible. Residential paint, soil or dust samples to be analyzed for lead must be analyzed by a laboratory recognized by the U.S. Environmental Protection Agency’s (EPA’s) National Lead Laboratory Accreditation Program (NLLAP) ([www.epa.gov/lead/pubs/nllap.htm](http://www.epa.gov/lead/pubs/nllap.htm)) with the recognition under NLLAP applicable to the medium analyzed. Samples to be analyzed for mold must be submitted to a laboratory accredited by the Environmental Microbiological Laboratory Accreditation Program (EMLAP), administered by the American Industrial Hygiene Association (AIHA) Laboratory Accreditation Programs, LLC.

(4) Re-evaluation or clearance of the remediation activities being completed.

**C. Other Allowable Costs.** Costs for the activities below are allowable costs but should not be counted as direct costs;

(1) Purchasing or leasing equipment having a per-unit cost under \$5,000.

(2) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such data as may be required by HUD.

(3) Providing resources to build capacity for healthy homes interventions, including delivery of HUD-approved training courses for housing rehabilitation contractors, rehabilitation workers, renovators, remodelers, homeowners, renters, painters, maintenance staff, health practitioners, and others conducting renovation, rehabilitation, maintenance, hazard control, or other work in private housing; subsidies for licensing or certification fees to low-income persons seeking credentials as healthy housing practitioners, lead sampling technicians or certified renovators; and, completion of other HUD-approved courses that further the effectiveness of hazard control

interventions or promote the integration of this grant program with housing rehabilitation, property maintenance, weatherization, and housing-related health hazard interventions, such as the Healthy Homes Practitioners Training Course or the Healthy Homes for Code Inspectors Course. Applicants are not permitted to allocate more than one (1) percent of their federal award to training activities.

(4) Conducting targeted outreach, affirmative marketing, or education that helps promote participation in the program and further the goal of protecting children and other vulnerable populations from housing-related health hazards, including providing access to these program benefits and information to Limited English Proficient (LEP) individuals through language assistance services, in accordance with the *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* published on January 22, 2007 in the *Federal Register*, at 72 *Fed. Reg.* 2732 and Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency (LEP) (for more information, see Section V.C.1.d of the **FY2017 General Section**). The recipient must adopt and implement procedures to ensure that interested persons (including persons with impaired vision or hearing) can obtain information concerning the existence and location of accessible services, activities, and facilities. See 24 CFR 8.6(b). Recipients must take appropriate steps to ensure that , information and communications related to all training, education, marketing, and outreach activities conducted pursuant to this NOFA are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and HUD’s Section 504 regulations, and Titles II or III of the ADA and implementing regulations. Recipients must provide appropriate auxiliary aids and services necessary to ensure effective communication. See 24 CFR 8.6; 28 CFR 35.160, 36.303. Meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate under HUD’s implementing regulations for Section 504 of the Rehabilitation Act of 1973 (See 24 CFR 8, subpart C.) See Section V.C.14.a and V.C.14.b of the **FY2017 General Section** for more information. HUD encourages its funding recipients to adopt the goals and objectives of Section 508 of the Rehabilitation Act by ensuring, when developing, procuring, maintaining, or using electronic information technology (EIT) that the EIT allows persons with disabilities to access to and use the information and data comparably basis as is made available to and used by persons without disabilities unless an undue burden would result to the recipient.. See Sections V.C.1, e. of the **FY2017 General Section** for more information

(5) Evaluating the effectiveness of hazard remediation conducted under this grant to assess how healthy homes interventions affect the health of the population being served relative to the population at large.

(6) Securing liability insurance for housing-related environmental health and safety hazard evaluation and control activities. This is considered either an indirect cost or an administrative cost, depending on the relationship of the insurance applicable for this grant to the applicant’s overall insurance policy portfolio.

(7) Purchasing resident supplies, to include environmentally safe or low-toxicity cleaning

supplies, integrated pest management kits, or household safety items as required with the identified housing related health hazards and direct intervention activities.

## **2. Program Requirement and Prohibitions.**

**a. Trained and Certified Professionals.** If Lead hazard control activities are performed with healthy homes activities, they must be conducted by persons qualified according to 24 CFR Part 35, subparts B-R (possessing certification as abatement contractors, risk assessors, inspectors, abatement supervisors, abatement workers, or sampling technicians; or others having been trained in a HUD-approved course in lead-safe work practices), and all firms and persons (both workers and supervisors) conducting lead hazard control activities must be certified in accordance with the EPA's Renovation, Repair, and Painting (RRP) Rule (see 40 CFR Part 745 and <http://www.epa.gov/lead/pubs/renovation.htm>). All other investigations and activities must be conducted by licensed or certified professionals as required by the jurisdiction's requirements.

**b. Compliance with HUD Regulations and Guidelines.** Lead hazard evaluation and control work that is conducted in part with healthy homes activities shall be conducted in compliance with HUD's Lead Safe Housing Rule, 24 CFR Part 35, subparts B-R, the current HUD Guidelines, the EPA's Renovation, Repair and Painting Rule, found within 40 CFR Part 745 (see <http://www.epa.gov/lead/pubs/renovation.htm>) and applicable federal, state and local regulations and guidance.

**c. Testing.** All testing and sampling shall comply to current CDC Guidelines and Recommendations, HUD Guidelines, the Lead Safe Housing Rule, the EPA standards, and federal, state, or tribal regulations developed as part of the appropriate contractor certification program, whichever is most stringent.

**1. Lead Based Paint and Lead Based Paint Hazard Identification.** Should the presence of lead be suspected after conducting a healthy homes inspection, a complete lead based paint inspection, lead hazard risk assessment, and report are required. Presumption of the presence of lead based paint hazards is not allowed. Paint inspections and risk assessments must follow the procedures as defined in the current HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing and as defined by the policies of the OHHLHC Lead Based Paint Hazard Control Program.

**2. Clearance Testing.** If lead based paint hazards are identified and remediated as part of healthy homes assessment and remediation, clearance must be conducted either after the lead hazard control work is completed, and again after any healthy homes remediation work is completed, or after all of the lead hazard control and/or healthy homes remediation work is completed. In either case, clearance must be successfully completed before re-occupancy.

**3. Integrated Pest Management (IPM).** All activities to reduce or control pest infestations shall be conducted in accordance with IPM practices and principles. IPM uses current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property and the environment (see <http://www.epa.gov/opp00001/factsheets/ipm.htm>)

[#what](#)).

**4. Dust Sampling Protocol.** Collection of settled dust samples for environmental allergen analysis (e.g., cockroach, dust mite) must follow HUD’s standard dust sampling protocol, which is posted on the OHHLHC website under “Grantee Resources” at [http://www.hud.gov/program\\_offices/healthy\\_homes/lbp/lhc](http://www.hud.gov/program_offices/healthy_homes/lbp/lhc). If you choose to use a different protocol, you must provide a compelling technical justification to HUD

**d. Cooperation with Related Research and Evaluation.** You must cooperate fully with any research or evaluation sponsored by HUD or another government agency associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in the original proposal. Participant data shall be subject to the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA and the Privacy Rule can be found at <http://www.hhs.gov/ocr/hipaa>. For the programs in this NOFA, HUD does not expect research to be conducted that could affect human subjects. See paragraph i, below.

**e. Data Collection.** You must collect, maintain, and provide to HUD the data necessary to document and evaluate grant program outputs and outcomes.

**f. Economic Opportunities for Low- and Very Low-Income Persons (Section 3).** Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) applies directly to the grantee (see 24 CFR Part 135.3(a)(2)(i)). The purpose of Section 3 is to ensure that new training, employment or contracting opportunities created during the grant will, to the greatest extent feasible, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons in the area in which the project is located. Any contractor, subcontractor or sub-grantee receiving contracts under the grant totaling \$100,000 or more, and any grantee receiving an award exceeding \$200,000, must comply with the Section 3 requirements for any new training, hiring or contracting opportunities under those contracts. Please refer to 24 CFR Part 135, subparts B and E, and to Section V.C.1.c of the **FY2017 General Section**, for additional information.

**g. Code of Conduct.** Prior to entering into a grant agreement with HUD, successful applicants will be required to submit a copy of their organization’s Code of Conduct and describe the methods they will use to ensure that all officers, employees, and agents of their organization are aware of their Code of Conduct. An applicant that submitted an application during Fiscal Years 2012 will not be required to submit another copy provided that Code of Conduct is current, and the applicant is listed on HUD’s Code of Conduct website: [www.hud.gov/program\\_offices/spm/gmombmt/grantsinfo/conduct](http://www.hud.gov/program_offices/spm/gmombmt/grantsinfo/conduct).

**h. Coordination among Critical Agencies.** HUD encourages applicants to enter into collaborative arrangements with childhood lead poisoning prevention programs, health agencies, housing agencies, community development agencies, community-based language assistance organizations, fair housing organizations and code enforcement agencies (or equivalent) for your target area(s). Also, HUD encourages grantees to work with State or other governmental agencies and non-governmental organizations to identify vulnerable populations in the applicant’s jurisdiction, such as working with Medicaid to identify children with elevated blood lead levels and collaborate to conduct environmental investigations in the home to

identify and address other significant environmental health hazards.

**i. Institutional Review Board (IRB).** For the programs in this NOFA, funds should not be used for research that could affect human subjects.

**j. Waste Disposal.** Applicants must handle waste disposal according to the requirements of the appropriate local, state, and federal regulatory agencies. Applicants must handle disposal of wastes from hazard control activities that contain lead-based paint, but are not classified as hazardous in accordance with state or local law or the current HUD Guidelines. The Guidelines are available from the HUD website at <http://www.hud.gov/offices/lead/lbp/hudguidelines/Ch10.pdf>.

**k. Worker Protection Procedures.** Applicants must observe the procedures for worker protection established in the current HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR Part 1910.1025, Lead, and/or 1926.62, Lead Exposure in Construction, as applicable), or the state or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the current HUD Guidelines, the more rigorous standards shall be followed.

**l. Temporary Relocation.** HUD expects that most temporary displacement (relocation) for hazard control work would be for 10 days or less. Assisting temporary relocation of families forced to vacate housing while hazard reduction measures are being conducted is an eligible activity of the programs described in this NOFA. Tenant-occupants forced to vacate housing while hazard reduction measures are being conducted pursuant to a program described in this NOFA must be treated fairly and equitably. Such tenant-occupants are entitled to receive temporary relocation assistance pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), 42 U.S.C. §§ 4601-4655, as described in URA regulations at 49 CFR section 24.2(a)(9)(ii)(D) and the corresponding Appendix A to Part 24. Owner-occupants temporarily relocating while hazard reduction measures are conducted pursuant to a program described in this NOFA are not entitled to URA relocation assistance. You can access these regulations from the Government Printing Office website at <http://books.tore.gpo.gov/CFR>. When persons with disabilities are temporarily relocated, they must be offered housing that contains appropriate accessibility features to meet their disability-related needs (see 24 CFR 8.4 and 8.20). For additional information on relocation requirements, see Section V.C.7 of the **FY2017 General Section** and HUD Handbook 1378 (“Real Estate Acquisition and Relocation Policy and Guidance”).

**m. Notification Requirements.** All lead-based paint inspection and risk assessment results, summaries of lead-based paint hazard control treatments, and clearance examination results must be provided to the owner of the unit, together with a notice describing the owner’s legal duty to disclose the results to tenants and buyers (see 24 CFR 35.88 of the Lead Disclosure Rule). Grantee files must contain verifiable evidence of providing lead hazard evaluation and control reports to owners and tenants, such as a signed and dated receipt. Applicants should also describe how they will provide owners with lead hazard evaluation and control information generated by activities under this grant, so that the owner can comply with the Lead Disclosure Rule (24 CFR Part 35, subpart A, or the equivalent 40 CFR Part 745, subpart F) and the Lead Safe Housing Rule (24 CFR Part 35, subparts B–R).

**n. Grantee Required Trainings.** Applicants awarded under this NOFA will be required to

attend a one-time New Grantee Orientation (located in Washington DC), an annual Program Manager School (locations to be determined) and any HUD OLHCHH endorsed National Healthy Homes Conferences (locations to be determined).

**o. Written Policies and Procedures.** Applicants must describe in the work plan policies and procedures for procurements (contracting), unit eligibility, unit selection and prioritization, and all phases of healthy homes interventions, including assessments and testing, development of specifications for contractor bids, financing, and temporary relocation. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

**p. Environmental Requirements** Award of a FY 2017 Healthy Homes Production grant does not constitute approval of specific sites where activities that are subject to environmental review may be carried out. Recipients of funding under this NOFA that are American Indian or Alaska Native tribal governments must carry out environmental review responsibilities as a responsible entity under 24 CFR part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” regardless of whether a tribe or tribal organization is the recipient. Reasonable expenses incurred for compliance with these environmental requirements are eligible expenses under this NOFA. Recipients must also meet environmental justice requirements noted earlier in the NOFA.

For all grants awarded under this NOFA, recipients and other participants in the project are prohibited from undertaking or committing or expending HUD or non-HUD funds on a project or activities under this NOFA (other than activities listed at 24 CFR 58.34, 58.35(b) or 58.22(f), e.g., lead-based paint inspections, risk assessments, and housing related health hazard assessments until the recipient completes an environmental review including the submission, and HUD approval, of a Request for Release of Funds and the tribe's Environmental Certification (both on Form HUD 7015.15). The results of the environmental review may require that proposed activities be modified or proposed sites rejected.

For Part 58 procedures see: <https://www.hudexchange.info/programs/environmental-review/>. For assistance during the period of performance of a grant under this NOFA, contact Karen Griego, the Office of Lead Hazard Control and Healthy Homes’ Program Environmental Clearance Officer at 505-346-6462 (this is not a toll free number)

**q. Control/Elimination Strategies.** All lead based paint hazards identified in housing units and in common areas of multifamily housing enrolled in this grant program must be controlled or eliminated by either of the following strategies or a combination of the two:

(1). **Interim Controls.** In accordance with the current HUD Guidelines, interim controls of lead based paint hazards including lead containing dust and soil in housing must include specialized cleaning techniques to address lead dust.

(2). **Abatement.** Lead based paint hazard abatement must be conducted in accordance with the current HUD Guidelines and must receive prior approval before the work is completed.

**r. Compliance with Section 504 of the Rehabilitation Act.** Facilities where program participants come for assistance (e.g., for intake and enrollment in the program), training or education, must be held in facilities that are accessible to persons with disabilities in accordance with Section 504 of the Rehabilitation Act and its implementing regulations at 24 CFR Part 8, and with Titles II and III of the Americans with Disabilities Act, as applicable.

**s. Evaluation.** Evaluation of the environmental and/or health outcomes of your program is encouraged but not required. If you conduct an evaluation, it should include a formalized structure to address the effectiveness of your project’s approach and its implementation with respect to the outcomes being assessed. A pertinent example of an outline of an evaluation plan is provided on the CDC asthma website, in the CDC’s “Learning & Growing through Evaluation: State Asthma Program Evaluation Guide”, Appendix F, “Individual Evaluation Plan Outline” ([http://www.cdc.gov/asthma/program\\_eval/AppendixF\\_Evaluation\\_Plan\\_Outline.doc](http://www.cdc.gov/asthma/program_eval/AppendixF_Evaluation_Plan_Outline.doc)).

**t. Prohibited Practices.** Grantees are not permitted to engage in practices prohibited under HUD’s Lead Safe Housing Rule at 24 CFR 35.140, EPA’s RRP Rule at 40 CFR 745.83(a)(3), or EPA’s lead abatement rule at 40 CFR 745.227(e)(6).

**u. Procurement Requirements.** All goods and services must be procured through a competitive process. Recipients must follow federal procurement requirements as defined in 2 CFR 200.317–326, as applicable. The designation of an entity as a “sub recipient” or “contractor” must follow program policies and 2 CFR 200.330. According to 2 CFR 200.330, a recipient acting as a pass-through entity must make a case-by-case determination whether each agreement it makes for the disbursement of Federal program funds cast by the party receiving the funds in the role of a sub recipient or contractor.

**2. Limitation on use of funds.** You may not use grant funds for any of the following activities:

- a. Purchase of real property.
- b. Purchase or lease of equipment having a per-unit cost in excess of \$5,000.
- c. Chelation or other medical treatment costs related to children with elevated blood lead levels (EBLs). Non-federal funds used to cover these costs may not be counted as part of the matching contribution.
- d. Funds may not be used for home health and safety “drop-off” kits; when such activities are conducted, they must be combined with remediating existing residential health and safety hazards.
- e. Funds must not be used for hazard evaluation and remediation in housing covered by a pending or final HUD, EPA, and/or Department of Justice settlement agreement, consent decree, court order or other similar action regarding violation of the Lead Disclosure Rule (24 CFR Part 35, Subpart A, or the EPA equivalent 40 CFR Part 745, subpart F), or by HUD regarding the Lead Safe Housing Rule (24 CFR Part 35, subparts B-R).
- f. Funds must not be used for hazard evaluation or control activities in housing owned and operated by the grantee that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).
- g. Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. § 3501).
- h. Funds may not be used for hazard evaluation and remediation in properties located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. §§ 4001–4128) as having special flood hazards unless:

- i. The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR Parts 59-79), or less than a year has passed since FEMA notification regarding these hazards; and
- j. Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. § 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.
- k. Demolition of housing units or detached buildings as a means of healthy home intervention and/or the replacement of such structures.
- l. Duct cleaning, except if recommended by a qualified professional for the special circumstances described in EPA's guidance at <http://www.epa.gov/iaq/pubs/airduct.html>.
- m. Replacing Existing Resources. Funds received under the grant program covered under this NOFA shall not be used to replace existing community resources dedicated to any ongoing project.

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

This program has eligibility criteria for beneficiaries.

Funds must only be used under this grant program to provide assistance for housing that meets the following criteria:

For all housing, all units assisted with grants must be the residence of families with income at or below 80 percent of the area median income level.

## **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](https://www.grants.gov). To ensure you are using the correct Application Package and Application Instructions, you must verify that 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 General Section and Program NOFA, and forms necessary for a complete application. The Instruction download may include Microsoft Word, Microsoft Excel and additional Adobe Portable Document Format 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. If HUD waives the requirement, HUD must receive your paper application before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you should contact:

Michelle Miller

Phone: (202) 402-5769

Email: [Michelle.M.Miller@HUD.gov](mailto:Michelle.M.Miller@HUD.gov)

Office of Lead Hazard Control and Healthy Homes

US Department of Housing and Urban Development

451 7th Street SW (Room 8236)

Washington, DC 20410

The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at 800-877-8339; for additional means of communicating with federal agencies, go to [www.fedrelay.gov](http://www.fedrelay.gov).

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

To ensure that the correct Application Package and Application Instructions are used, applicants must verify that the CFDA Number and CFDA Description on the first page of the Application Package downloaded from Grants.gov, as well as the Funding Opportunity Title, and the Funding Opportunity Number match the Program and NOFA to which they are applying. You must verify that boxes 11, 12, and 13 on the SF-424 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 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>
Application for Federal Assistance (SF424) application form) including the required assurance in SF424B or D, as applicable.		
Form HuD 424 CBW HUD Detailed Budget Worksheet	Must be submitted with your application	Amounts on HUD_424_CBW must be consistent with requested and matched amounts on lines 18b-f of the SF424, Application for Federal Assistance.
Disclosure of Lobbying Activities (SF-LLL) Certification of Lobbying (SFLLLa)	Must be submitted with your application	You must submit these forms if you are a state-recognized Indian tribe or tribally designated health or housing entity established only under state law.
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report	HUD will provide instructions to grantees on how the form is to be submitted.	HUD will provide instructions to grantees on how the form is to be submitted.
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.
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Additionally, your complete application must include the following narratives and non-form attachments.

**2. Format and Form.**

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

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

a. Narrative Response. The narrative responses to Rating Factors 1 to 3, below, are limited to:

A maximum of 15 pages (excluding appendices, budget forms/narrative, and worksheets)

Double Spaced

Letter sized paper, 8-1/2 x 11 inches

12-point (minimum) Times New Roman font

At least 1 inch margins on all sides

While the rating factor response page limit does not include attachments, appendices, and other required forms, you must not rely on excessive appendices to address the rating factors – you must clearly describe and support your responses in the rating factor narrative itself. Any information submitted in response to the Rating Factors beyond the page limit will not be used for review or rating.

b. Appendices. You must provide materials in the appendices, such as résumés, the Consolidated Plan’s lead segment (or a link to it), and documentation of minimum match requirements through commitment letters. These attachments must directly refer to the specific rating factor narrative to which they pertain. Material provided in the appendices must support Rating Factor narrative information and will not be used in lieu of information provided in response to the Rating Factors. You are strongly urged to submit only information that is required and/or requested in the NOFA or relevant to a specific narrative response. All attachments must identify the related Rating Factor in the page footer by providing the related Rating Factor number and the page number of the attachment (e.g., Factor 1 Attachment, page 1).

**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 at all times when 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 and Bradstreet](#).

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

Anyone planning to submit grant 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 **07/18/2018**. 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 application to Grants.gov are contained in the Application Package you downloaded from Grants.gov. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

Applications under HUD's Continuum of Care (CoC) grant program are an exception to the submission requirements detailed in the previous paragraph. Applications for that grant program are submitted through HUD's e-snaps system.

"Received by Grants.gov" means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. 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 that does not result 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 in order 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. To quickly check the status of your application:

- Go to [www.grants.gov](http://www.grants.gov).
- Under the APPLICANTS tab on the Home page header, select [Track My Application](#).
- In the text box provided, enter your Grants.gov application tracking number and click on the red Submit Application Tracking Numbers button. If the status is rejected with errors, you can get more information by logging in to Grants.gov with the username and password for the AOR account used to submit the 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.

**Note:** Now 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:

- Go to [www.grants.gov](http://www.grants.gov).
- On the top, right corner, click on the LOGIN link.
- Under the APPLICANT tab, enter the username and password for the AOR account used to submit the application and click on the LOGIN button.
- If your organization has Standard AOR Access Level, please click on the CHECK MY APPLICATION STATUS link on the left. If your organization has Expanded AOR Access Level, please click on the CHECK APPLICATION STATUS FOR ORGANIZATION link.
- Select SEARCH BY: ALL and click on the SEARCH button.
- Click on the submission you wish to download to highlight it.
- Click on the DOWNLOAD APPLICATION button.
- You will be prompted to OPEN or SAVE a ZIP file. Click on the button for the option of your choice.

Please make note of the associated tracking number as it will be referenced by the Grants.gov Help Desk. Make note of the ticket number in case you need help from grants.gov.

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.

In the event of either of these events, HUD will post a notice on its website that establishes 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 that is 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 an application that has been validated by 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 application that is received and validated by Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period that is 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 Program 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.**

Except as provided by the electronic submission grace period described in this NOFA, HUD may not consider any information that applicants may want to provide after the application deadline. HUD may not seek or consider clarification of application items or responses that improve the substantive quality of an application or which correct deficiencies which are in whole or part of a rating factor, including items that impact preference points. HUD may contact the applicant to clarify other items in its application. In order not to unreasonably exclude applications from being rated and ranked where there are curable deficiencies, HUD will uniformly notify applicants of each curable deficiency. A curable deficiency is an error or oversight which, if corrected, would not alter, in a positive or negative fashion, the review and rating of the application. Examples of curable (correctable) deficiencies include inconsistencies in the funding request, failure to submit the proper certifications, and failure to submit an application that contains a signature by an official able to make a legally binding commitment on behalf of the applicant. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized representative in item 21 of the SF-424 describing the curable deficiency. The email notifications are the official notification of the need to cure 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 a curable 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 (or GrantSolutions). If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or other day when HUD's Headquarters offices in Washington, DC, are closed, then the applicant's correction must be received on the next business day that 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.

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 that contains 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.

#### **E. Intergovernmental Review.**

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

#### **F. Funding Restrictions.**

1. Administrative Costs. Administrative costs, as defined in Sections I.A.3.f. 3) and 4), above, may not exceed 10 percent of the federal grant award. Administrative costs are determined based on the nature of the activity being performed and, therefore, may be found in both the direct and indirect cost categories. OLHCHH considers all costs included in your negotiated indirect cost rate as "administrative costs".
2. Healthy Homes Direct Costs. This NOFA requires awardees to expend not less than 65 percent of the federal award on the remediation and reduction of housing related hazards, as outlined in Section 1, above. The federal award amount alone is used to determine the minimum percent of expenditure.

3. Indirect Costs. Indirect costs may only be charged to an OLHCHH grant program under a cost allocation plan, an indirect cost rate agreement, or in accordance with the requirements of 2 CFR 200.414(f) de minimis.
4. Ineligible Costs and Activities. You may not use grant funds for any of the following activities:
  - a. Purchase of real property.
  - b. Purchase or lease of equipment having a per-unit cost in excess of \$5,000, except for the purchase or lease of one X-ray fluorescence analyzer to be used exclusively by the grant program.
  - c. Chelation or other medical treatment costs, including case management, related to children with elevated blood lead levels (EBLs). Non-federal funds used to cover these costs may not be counted as part of the matching contribution.
  - d. Remediation and hazard reduction activities in public housing, project-based Section 8 housing, or housing built after 1977).
  - e. Lead hazard evaluation or control activities in housing covered by a pending or final HUD, EPA, and/or Department of Justice (DOJ) settlement agreement, consent decree, court order or other similar action regarding violation of the Lead Disclosure Rule (24 CFR part 35, Subpart A, or the equivalent 40 CFR part 745, subpart F), or by HUD or DOJ regarding the Lead Safe Housing Rule (24 CFR part 35, subparts B–R).
  - f. Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. § 3501).
  - g. Lead-hazard control or rehabilitation of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. §§ 4001– 4128) as having special flood hazards unless:
    - (1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and
    - (2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. § 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.
  - h. Demolition of housing units or detached buildings.
5. Replacing Existing Resources. Funds received under the grant programs covered under this NOFA must not be used to replace existing community resources dedicated to any on-going project.

### **Indirect Cost Rate.**

#### **Statutory or Regulatory Restrictions Apply**

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.

## **G. Other Submission Requirements.**

### **1. Discrepancies between the NOFA on Grants.gov and Other Documents.**

The Program NOFA posted at the Grants.gov website is the official document HUD uses to solicit applications. Applicants are advised to review their application submission against the requirements in the posted Program NOFA. If there is a discrepancy between the Program NOFA posted on Grants.gov and other information provided in any other copy or version or supporting documentation, the posted Program NOFA located at [www.Grants.gov](http://www.Grants.gov) prevails. If discrepancies are found, please notify HUD immediately by calling the program contact listed in the Program NOFA. HUD will post any corrections or changes to a Program NOFA on the Grants.gov website. Applicants must enroll an email address at the application download page to receive an e-mail alert from Grants.gov in the event the opportunity is changed.

### **2. Application Certifications and Assurances.**

Applicants signing the SF424 cover page either through electronic submission or in paper copy submission (for those granted a waiver) affirm that the 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 that the signatory to the application submission knowingly made a false certification or assurance or did not have the authority to make a legally binding commitment for the applicant, the applicant may be subject to criminal prosecution, and 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.

### **3. Lead Based Paint References**

When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules

(Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

**V. Application Review Information.**

**A. Review Criteria.**

**1. Rating Factors.**

HUD will consider whether your application is clear, concise and well organized. Each rating factor is reviewed independently. Be sure your response for each rating factor does not include information that belongs with another rating factor.

For example, if your application describes your organization’s past experience in the narrative for rating factor 3 instead of rating factor 1, the past experience will only be scored based on the information included in rating factor 1.

In addition, material provided in the appendices must support narrative information but will not be used in lieu of HUD will consider numerous factors of your prior performance, such as monitoring results, performance against benchmarks, and other relevant information, to evaluate capacity and relevant organization experience.

Scoring Guide: For each subfactor, the following five-level table will be used in rating the applicant’s response, with the specified percentage of the maximum number of points provided for a response that is best described by the explanation of one of the levels. For example, an excellent answer to a 10 point subfactor contributes 7.5 points to the applicant’s rating.

Qualitative rating	Rating level explanation	%
Outstanding	Answer is thorough and provides high confidence that the criteria are surpassed, or that the applicant will likely surpass the performance criteria covered by the question within the time and cost established. There were no weaknesses noted. The description gives confidence of a high probability of success.	100 %
Excellent	No significant weakness noted. Weaknesses or concerns can be corrected with just a moderate amount of effort. In general, the answer gives confidence that the applicant will likely meet the performance criteria covered by the question within the time and cost established.	75 %

Good	Answer provided generally meets the standards required, but has information weaknesses, or design or concept flaws that, while correctable, will likely require considerable effort. The applicant may have not fully answered the question. The answer is mediocre, and therefore, gives concern whether the applicant will meet the performance criteria covered by the question within the time and cost established.	50 %
Fair	Answer is vague, or has substantial programmatic weaknesses that would require substantial efforts to correct. There is a low likelihood that the applicant will meet the performance criteria covered by the question within the time and cost established.	25 %
Poor or Non-responsive	Applicant did not address question or answer shows a lack of understanding of requirements and/or concepts. Poor design concept and no or very little confidence that the applicant will meet the performance criteria covered by the question within the time and cost established. Success regarding this element is very unlikely.	0 %

<b>Summary of Applicant Scoring, point distribution</b>		
Rating Factor 1		40 points
Rating Factor 2		30 points
Rating Factor 3		30 points
	Total Points	100 points

**1. Rating Factor 1 - Applicant and Partner Capacity** Maximum Points: 40

**a. Capacity of Applicant 20 Points maximum**

You must demonstrate that your organization has sufficient qualified personnel, or will actively retain qualified experts or professionals, and is prepared to perform identification and remediation of housing related health hazards activities within 60 days of the grant award to successfully implement and complete the project. If any of the key personnel titles/roles you list below are not

currently filled when you submit your application, describe your plan to fill the vacancies timely.

1. **Key Personnel 10 points maximum** Key personnel must include, at a minimum, a Project Director (PD) and a Program Manager (PM). Unless financial management of the grant falls under the responsibility of the PD or PM, you must also identify the person responsible for the financial management of the grant. You must provide resumes, no longer than 3 pages, of the key personnel and job descriptions for planned key personnel, including the person responsible for the financial management of the grant. You must describe the roles and responsibilities of each key personnel for the project. Please do not include the Social Security Numbers (SSN) of any person. Use the table below to provide this required information (add rows as necessary).

Personnel Name & Organization	Title/Role	% Time (FTE)*	
	Project Director		
	Program Manager		

\* FTE = Full time equivalent; if labor hours are used, convert to FTE on the basis of 1 FTE = 2,087 hours per year.

The day-to-day Program Manager must be experienced in housing code, housing rehabilitation, lead hazard control, or other work related to the project. The Program Manager must have demonstrated project management experience and must dedicate at least 75 percent of his/her time for the proposed project. If you have not yet hired a Program Manager, you must include the job announcement for this position in the Appendix to your application. Applications that propose key personnel that do not meet the minimum qualifications described above will not receive full points under this subfactor.

2. **Program Administration and Oversight 10 points maximum** How will you administer the grant program?
  - a. Describe how you will administer this program, including how you will address oversight and financial management and provide examples of current financial reports. (2 points)
  - b. Describe how funding will flow from you to those who will perform work under you on this program, and whether and, if so, how you will ensure that acceptable work is conducted and acceptable products were provided before you pay invoices and before you submit invoices to HUD. (3 points)
  - c. Describe the staff, procedures, and project management system you will use to ensure proper project oversight/monitoring, contract administration, routine monitoring and, if you

will conduct it, targeted monitoring, of all sub-grantees and contractors to ensure conformity to the terms, conditions and specifications of contracts or other formal agreements. (3 points)

d. Section 3 Compliance (2 points). Your work plan must describe your strategy for hiring local low-income residents, providing training opportunities and awarding contracts to local Section 3 businesses. Applicants should 1) outline their plan to notify residents and contractors about jobs and contracts that may become available; 2) notify potential contractors about the requirements of Section 3; 3) hire local residents and award contracts to local businesses; and assist in obtaining compliance among contractors and subcontractors.

1. Exemption: Recipients that are subject to and complying with tribal employment and contract preference laws adopted in accordance with Section 101(k) of NAHASDA are deemed to be in compliance with the requirements of Section 3. Therefore, such recipients do not have to establish preferences for applicants claiming Section 3 status when hiring or procuring goods or services in order to meet the requirements of Section 3. These recipients also are not required to submit the annual HUD-60002 form.

**b. Partner Capacity 10 points maximum**

In order to implement a successful grant program, HUD recognizes the importance of partners and partnerships. Applicants are strongly encouraged to work directly with Tribal Epidemiology Centers and/or Tribal Urban Health Centers. Please include details on the relationship including any formal agreements for the work. Address the following related to partner organizations that will receive federal funds from your program and that will provide critical services and/or carry out critical activities for the proposed grant program:

1. List and describe any partners your program will work with to provide critical services and activities under this grant program;

a. An individual Tribal Epidemiology Center (TEC). Describe here and in your responses to subfactors b.2 –b.4, below, how your program will work with the Indian Health Services' (IHS) Division of Epidemiology and Disease Prevention's [1] TEC [2] for your area, [3], including its organizational and personnel qualifications, experience, and role in addressing housing-related health and safety conditions, and the services the Division would provide.

b. An individual Urban Indian Health Program (UIHP). Given that in 2010, the majority of the American Indian and Alaska Native alone-or-in-combination population (78 percent) lived outside of American Indian and Alaska Native areas with 67 percent of the former and 92 percent of the latter. [4] if your program will target the housing of such families, describe here and in your responses to Factor 2b2 through 2.b.4, below. The IHS' Office of Urban Indian Health Programs' [5] individual UIHP your program will work with, including its organizational and personnel qualifications, experience, and role in addressing housing-related health and safety conditions.

c. Any additional partners that have committed to partner with you on this program.

[1] [www.ihs.gov/Epi/](http://www.ihs.gov/Epi/).

[2] [www.ihs.gov/Epi/tecs/](http://www.ihs.gov/Epi/tecs/).

[3] [www.ihs.gov/Epi/tecs/tecs/](http://www.ihs.gov/Epi/tecs/tecs/).

[4] U.S. Census Bureau, 2010 Census Brief: The American Indian and Alaska Native Population: 2010, January 2012, pp. 12-13. [www.census.gov/prod/cen2010/briefs/c2010br-10.pdf](http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf).

[5] [www.ihs.gov/urban/](http://www.ihs.gov/urban/).

2. Detail each of these critical partner entities' qualifications and experience in initiating and implementing related public health, environmental health, or housing projects. **Document their track record with** the development of affordable housing, mixed-income housing, and other large-scale redevelopments. **Also, provide a detailed example of completed, comparable housing development projects** in which the Housing Implementation Entity had primary responsibility for implementing day-to-day development (including securing financing and providing completion and long-term operating guarantees) and performing ongoing asset management activities. **Points will be awarded based on (the partner organization's) relevant experience** and the extent to which the application details their contribution to this project; and

3. List the key personnel from each of these critical partner entities, their respective roles and responsibilities, their qualifications and experience, and the percentages of time committed for all key personnel identified. You may provide this information in your narrative on each of the key personnel from these critical partner entities.

4. Include the DUNS number and Legal Business Name of all partner organizations. For any partner that has no DUNS number, include the date of incorporation. If a partner organization will be a co-recipient or subrecipient, it needs to acquire a DUNS number.

### **c. Relevant Organization Experience 10 Points maximum**

1. List federal, state, tribal, and local projects completed by your organization that demonstrate experience in implementing public health, environmental health, weatherization, environmental, health or housing programs, e.g., Indian Community Development Block Grant's housing rehabilitation activities, Tribal housing projects, Childhood Lead Poisoning Prevention Program, Healthy Homes Demonstration, Healthy Homes Production, Weatherization, public health work with Tribal Epidemiology Centers or Tribal Urban Health centers, comparable state or local programs, etc. ("similar programs"), in the three years before the submission date for this NOFA.
2. Describe how you administered similar programs, including whether and how you achieved performance benchmarks, addressed program oversight, and implemented financial management.
3. Describe how funding flowed from you to those who performed work under you on similar programs, and whether and, if so, how you ensured that acceptable work was conducted and acceptable products were provided before you paid invoices and before you submitted invoices to the entity that provided you the grant or contract.
4. Describe the staff and procedures used on similar programs to ensure proper project oversight/monitoring, contract administration, routine monitoring and, if you conducted it, targeted monitoring, of all sub-grantees and contractors to ensure conformity to the terms, conditions and specifications of contracts or other formal agreements.
5. Describe whether, and if so demonstrate that, routine monitoring of all sub-grantees and contractors ensured conformity to the terms, conditions and specifications of contracts or

other formal agreements and requirements, and the requirements of similar programs.

If you do not describe significant experience providing oversight and management of similar programs, you will not receive full points.

## 2 Rating Factor 2 - Need and Extent of the Problem

Maximum Points: 30

Applicants will be scored in this rating factor based on documented need as evidenced by the submission of the most current, thorough, credible, and appropriate data and information. There must be a direct and substantial relationship between the proposed activities and your community's documented needs. The data submitted in response to this rating factor will be verified using data available from the Census, HUD USER, and other data, and the applicant should indicate what source of data is being used. Applicants must ensure that the current residents of the target area, whose demographic characteristics constitute the data for this rating factor, are the individuals and families that receive priority for the benefits of the funded programs and this should be addressed in the remainder of the application.

Points will be awarded in this rating factor based on the applicant's response to the information requested below. PROVIDE DATA RESPONSES IN SIMPLE TABLE FORMAT. (NOTE: Data should be provided that is within the jurisdiction/target area of the applicant – do not provide data from outside the applicant's jurisdiction without adequately detailing the reasons for this inclusion).

**a. Demographic Data 10 points maximum** If verifiable data is unavailable, please provide as much information as possible to allow reviewers to assess the current need in your community for this funding:

1. Total population of the Target Area;
2. Total population under the age of six (6) and/or over 65 years of age;
3. Area Median Income, percentage of population at or below 80 percent of the area median income level, and percentage of population at or below 50 percent of the area median income level; and,
4. Any other relevant demographic information and data that demonstrates need for this funding.

**b. Housing Data 10 points maximum**

1. Total Number of housing units built before 1960;
2. Number of rental housing units that were built before 1960;
3. Number of housing units with code violations; and
4. Any other housing data that demonstrates need for this funding.

**c. Other Factors Contributing to Need 10 points maximum**

Applicants should describe other factors that clearly demonstrate a need for this funding, such as:

1. Unemployment rate of the target area;
2. Number and percentage of children/families receiving Medicaid/Medicare benefits in the target area;
3. Number and percentage of families receiving assistance through the Women, Infants, and Children (WIC) program, Head Start, or the Supplemental Nutrition Assistance Program;
4. Number of emergency room visits for asthma/allergy/upper respiratory related issues;
5. Number of children under the age of 6 with blood lead levels greater or equal to 5 micrograms per deciliter;
6. Number of emergency room visits for preventable injuries (fall, burns);
7. Number of housing units with pest control issues; and,
8. Any other information that demonstrates need for this funding.

### 3 Rating Factor 3 - Program Financial Management

Maximum Points: 30

Applicants must describe in detail how the program financial oversight and management will be handled. Applicants must thoroughly estimate all applicable costs (direct, indirect, and administrative), and present it in a clear and coherent format in accordance with the requirements listed in the FY2017 **General Section**. HUD is not required to approve or fund all proposed activities. Applicants must provide clear details on administrative costs (maximum 10 percent of grant), staffing costs and details on which costs are included and not included in the direct healthy homes minimum cost requirement. Applicants will be evaluated on the extent to which resources are appropriate for the scope of the proposed project. Applicants should clearly identify the funding or cash equivalent amounts being provided as match resources.

#### **a. Budget Estimate of Costs 10 points maximum**

Utilize the HUD\_424\_CBW: HUD Detailed Budget Worksheet to estimate the cost for your program. You will be evaluated on the extent to which resources seem reasonable and appropriate for this type of project.

#### **b. Financing Strategy 10 points maximum**

Discuss your financing strategy (i.e., the type of assistance - grants, deferred/forgivable loans, etc.), including how you will complete verification of income eligibility requirements, terms, conditions, dollar limits, amounts available for the remediation work in the various categories of housing (e.g., single-family, multi-family, owner or tenant-occupied).

#### **c. Financial Accountability 10 points maximum**

Discuss how you will ensure financial accountability throughout the grant period for this federal award. Identify who is responsible for establishing, administering and overseeing the financial aspect of the program, and the role of other resources such as private sector financing and matching.

Describe how the recapture of grant or loan funds to owners of assisted units will occur if recipients fail to comply with any terms and conditions of the financing arrangement (e.g., failure to comply with fair housing and civil rights requirements, affordability, affirmative marketing and

providing priority to renting units to families with a child under the age of six years, sale of property requirements, etc.).

You will be evaluated on the extent to which your narrative provides a sound and reasonable approach to financing your proposed healthy homes remediation work, including the documentation and justification of these costs.

## **2. Preference Points.**

Preference points are not available for this program.

## **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 deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program NOFAs. Each Program NOFA will specify how past performance will be rated 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.C.2.b.(5), Pre-selection Review of Performance, above.

## 2. Assessing Applicant Risk

In addition to the performance review described in previous sections; each grant program must have a framework for evaluating the degree of risks posed by applicants before they receive Federal awards. As a result of the risk evaluation an applicant may be awarded with special conditions applied to the award that correspond to the degree of risk assessed or the applicant may be determined ineligible due to the operational risk it has historically posed to HUD, OLHCHH or other federal agencies as applicable.

The applicant's eligibility for award will include threshold requirements previously described, quality of the application received, and consideration of the following historical factors of the applying entity prior to Federal awards being made from this funding opportunity:

- Financial Stability
- Management Systems
- History of Performance
- Timely Reporting
- Other Compliance matters
- Audit history
- Ability to implement

Possible risk indicators that could impact the risk evaluation determination could include the following elements of the described approach for use of funds:

- Size of potential subaward
- Size and diversity of federal award portfolio of entity applying
- Impact of subaward on operations
- Past federal award experience of applicant:
  - with OLHCHH
  - with other HUD offices (e.g., Office of Native American Programs)
  - with other Federal Agencies
- Past federal award experience of Key staff
- Extent of other oversight (audits, monitoring)

Applications that meet all of the threshold requirements will be eligible for review and rating.

**Minimum Score.** Applications scoring 75 points or more will be eligible to receive an award.

Applications will be scored and ranked, based on the total number of points allocated for each of the rating factors described in Section V.A of this NOFA.

**Maximum Number of Points.** The maximum number of points to be awarded is 100.

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

HUD expects to announce awards by August 1, 2018

## **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 all other applicants, whose applications were received by the deadline, that 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.

Successful applicants will receive a letter from the Office of Lead Hazard Control and Healthy Homes providing details regarding the effective start date of the grant agreement and any conditions, additional data and information to be submitted to execute the grant. You will then participate in negotiations to determine the specific terms of the grant agreement, budget, work plan, benchmarks, or other requirements. If HUD is not able to successfully conclude negotiations with a selected applicant within a period determined by HUD, an award will not be made.

If you accept the terms and conditions of the grant agreement, you must return a signed grant agreement by the date specified. Instructions on how to have the grant agreement account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. In accordance with 2 CFR part 200, subpart F Audit Requirements, if you expend \$750,000 in federal funds in a single year, you must follow the requirements of the Single Audit Act and must submit your completed audit-reporting package along with the Data Collection Form (SF-SAC) to the Single Audit Clearinghouse. The address can be obtained from its website. The SF-SAC can be downloaded from:

[http://harvester.census.gov/facides/Files/2015\\_2018%20Checklist%20Instructions%20and%20Form.pdf](http://harvester.census.gov/facides/Files/2015_2018%20Checklist%20Instructions%20and%20Form.pdf).

### **B. Administrative, National and Department Policy Requirements.**

For this NOFA, the following requirements apply:

#### **Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business.**

HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses, and Labor Surplus Area Firms participate fully in the direct contracting and contracting opportunities generated by HUD's financial assistance. State, local, and Indian tribal governments are required by 24 CFR 85.36(e) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women-owned business enterprises, and labor surplus area firms are used whenever possible or as specified in the Program NOFAs. Nonprofit recipients of assistance (grantees and subgrantees) are required by 2 CFR 200.321 to make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, and Labor Surplus Area Firms whenever possible.

Certain Administrative, National and Departmental Policy Requirements apply to all HUD programs, including this NOFA.

**Davis-Bacon Wage Rates.**

The Davis-Bacon wage rates are not applicable to these programs. However, if you use grant funds in conjunction with other federal programs, Davis-Bacon requirements may apply to the extent required under the other federal programs.

**Compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417) (?Section 872?).**

Section 872 requires the establishment of a government wide data system - the Federal Awardee Performance and Integrity Information System (FAPIIS) - to contain information related to the integrity and performance of entities awarded federal financial assistance and making use of the information by federal officials in making awards. Grantees must follow OMB guidance regarding federal agency implementation of Section 872 requirements for grants, at 2 CFR Subtitle A, Chapter I, and Part 25 (75 FR 55671-76, September 14, 2010).

**Registration at [SAM.gov](http://www.sam.gov) Requirement.**

You must register or update your current registration in the Central Contractor Registration now part of the System for Award Management (SAM), found at <http://www.sam.gov>. You must have an active registration to receive funding from HUD.

**Equal Protection for Faith-based and Community Organizations.**

Consistent with Executive Order (E.O.) 13279, “Equal Protection of the Laws for Faith-Based and Community Organizations,” as amended by E.O. 13559, “Fundamental Principles and Policy-making Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations,” faith-based organizations are eligible to participate in HUD’s programs and activities on the same basis as any other organization.

HUD’s regulations on the equal participation of faith-based organizations are at 24 CFR 5.109. On April 4, 2016, HUD amended 24 CFR 5.109 consistent with E.O. 13559. (See 81 FR 19355). These regulations apply to all HUD programs and activities, including all of HUD’s Native American Programs, except as may be otherwise provided in the respective program regulations, or unless inconsistent with the respective program authorizing statute. These regulations provide, among other things, that a faith-based organization that participates in a HUD-funded program or activity retains its independence, and may continue to carry out its mission provided that it does not use direct Federal financial assistance to support or engage in any explicitly religious activities; an organization that engages in explicitly religious activities must separate those activities, in time or location, from activities supported by direct Federal financial assistance and participation must be voluntary; a faith-based organization that carries out programs or activities with direct Federal financial assistance from HUD must provide beneficiaries and prospective beneficiaries with a written notice of certain protections; beneficiaries and prospective beneficiaries may object to the religious character of an organization, upon which the organization must undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider; and an organization that receives Federal financial assistance under a HUD program or activity may not discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious

belief, or a refusal to attend or participate in a religious practice. (See 24 CFR 5.109).

### **Equal Access Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity**

The Equal Access Rule at 24 CFR 5.105(a)(2) requires that a determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by HUD shall be made in accordance with the eligibility requirements provided for such program by HUD, and shall be made available without regard to actual or perceived sexual orientation, gender identity or marital status. Furthermore, under 24 CFR 5.106, any recipient, sub-recipient, owner, operator, manager or service provider funded in whole or part by any Community Planning and Development (CPD) program may not deny equal access to programs, activities, services, or facilities based on a person's gender identity. Thus, the aforementioned parties must comply with 24 CFR 5.105(a)(2), and, in addition, with 24 CFR 5.106 when receiving assistance from CPD programs. HUD's definitions of sexual orientation and gender identity are at 24 CFR 5.100. HUD's definition of family is at 24 CFR 5.403. (See other regulatory changes at 81 Fed. Reg. 64763 (Sept. 21, 2016)). HUD's Native American and Native Hawaiian programs are covered by the rule Equal Access to Housing in HUD's Native American and Native Hawaiian Programs – Regardless of Sexual Orientation or Gender Identity, 81 Fed. Reg. 80989 (Nov. 17, 2016).

#### **Physical Accessibility**

Note that all meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with HUD's implementing regulations for section 504 of the Rehabilitation Act of 1973 (29 U.S.C § 794) at 24 CFR part 8. In addition, all notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with section 504 of the Rehabilitation Act of 1973 and HUD's section 504 regulations. Recipients must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters, accessible websites and other electronic communications. See 24 CFR 8.6; 28 CFR 35.160, 36.303.

#### **Real Property Acquisition and Relocation.**

Except as otherwise provided by federal statute, HUD-assisted programs or projects are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA) (42 U.S.C. 4601-4655), and the government-wide implementing regulations issued by the Federal Highway Administration at 49 CFR part 24. The Uniform Act applies to acquisitions of real property and displacements resulting from the acquisition, rehabilitation, or demolition of real property for Federal or federally-assisted programs or projects. With certain limited exceptions, real property acquisitions for programs or projects that receive federal financial assistance from HUD must comply with 49 CFR part 24, subpart B. To be exempt from the URA's acquisition requirements, real property acquisitions conducted without the threat or use of eminent domain, commonly referred to as "voluntary acquisitions,"

must satisfy the applicable requirements of 49 CFR 24.101(b)(1) through (5). Records demonstrating compliance with these requirements must be maintained by the recipient. The URA's relocation requirements remain applicable to any tenant who is displaced by an acquisition that meets the requirements of 49 CFR 24.101(b) (1) through (5). The relocation requirements of the Uniform Act, and its implementing regulations at 49 CFR part 24, cover any person who moves permanently from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD assistance. While there are no URA statutory provisions for “temporary relocation”, the URA regulations recognize that there are circumstances where a person will not be permanently displaced but may need to be moved from a project for a short period of time. Appendix A of the URA regulation (49 CFR 24.2(a)(9)(ii)(D)) explains that any tenant who has been temporarily relocated for a period beyond one year must be contacted by the displacing agency and offered URA permanent relocation assistance. Some HUD program regulations provide additional protections for temporarily relocated tenants. Before planning their project, applicants must review the regulations for the programs for which they are applying. Generally, the URA does not apply to displacements resulting from the demolition or disposition of public housing covered by Section 18 of the United States Housing Act of 1937. Individual Program NOFAs may have additional relocation guidance and requirements.

Additional resources and guidance pertaining to real property acquisition and relocation for HUD-funded programs and projects are available on HUD’s Real Estate Acquisition and Relocation website at [www.hud.gov/relocation](http://www.hud.gov/relocation). Applicable laws and regulations, policy and guidance, publications, training resources, and a listing of HUD contacts are also available for applicants who have questions or are in need of assistance.

### **Procurement of Recovered Materials.**

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

### **Participation in a HUD-Sponsored Program Evaluation.**

As a condition of the receipt of financial assistance under a Program NOFA, all successful applicants will be required to cooperate with all HUD staff, contractors, or designated grantees performing research or evaluation studies funded by HUD.

## **OMB Administrative Requirements and Cost Principles.**

Unless excepted under 24 CFR chapters I through IX, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth in 2 CFR part 200, shall apply to Federal Awards made by the Department of Housing and Urban Development to non-Federal entities. Applicants should be aware that if the total Federal share of your Federal award may include 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 Terms and Condition for Recipient Integrity and Performance.

## **Drug-Free Workplace.**

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

- Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.
- Establish an ongoing drug-free awareness program to inform employees about:
  - The dangers of drug abuse in the workplace;
  - The applicant's policy of maintaining a drug-free workplace;
  - Available drug counseling, rehabilitation, or employee assistance programs; and
  - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- Notify HUD and other federal agencies providing funding in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification must be provided in writing to HUD's Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington DC 20410-3000, along with the following information:
  - The program title and award number for each HUD award covered;
  - The HUD staff contact name, telephone and fax numbers;
  - A grantee contact name, telephone and fax numbers; and
  - The convicted employee's position and title.
- Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (a) above and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:

- Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or
- Imposition of a requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- Identify to the agency making the award all known workplaces under the award. The workplace identification must include the actual address of buildings or other sites where work under the award will take place. The applicant must also inform the agency of any workplace changes during the performance of the award. The identification of the workplaces must occur either:
  - At the time of application or upon award; or
  - In documents the applicant keeps on file in its offices during performance of the award, in which case the applicant must make the information available for inspection upon request by the agency.

### **Safeguarding Resident/Client Files.**

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

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

Prime Grant Awardee Reporting. Prime recipients of HUD's financial assistance are required to report certain subawards in the Federal Funding Accountability and Transparency Act Subaward System (FSRS) website located at [www.fsrs.gov](http://www.fsrs.gov) or its successor system for all prime awards listed on the FSRS website. Prime financial assistance awardees receiving funds directly from HUD are required to report subawards and executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to vendors. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the SAM system, the prime recipient is not required to report this information. The reporting of award and subaward information is in accordance with the requirements of the Transparency Act, as amended by section 6202 of Public Law 110-252, and by section 3 of Public Law 113-101.

Text Field: Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended

### **Eminent Domain.**

Section 407 of Div.K, Title IV of the Consolidated Appropriations Act, 2016 (Public Law 114-

113) prohibits the use of funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use shall not be construed to include economic development that primarily benefits private entities. Use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118), will be a public use for Section 407 purposes. Applicants for FY 2017 assistance under the programs governed by this General Section may be subject to this restriction if it is incorporated in HUD's FY 2017 appropriation.

A notice will be published if this provision no longer applies following passage of HUD's FY 2017 appropriation

### **C. Reporting.**

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

**1. Reporting Requirements and Frequency of Reporting.** This Program NOFA and award agreement will specify the reporting requirements, including content, method of data collection, and reporting frequency. Applicants should be aware that if the total Federal share of your Federal award may include 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, handicap (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. Program 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.

**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.

If you execute a grant under this NOFA, reports must comply with the specific program reporting requirements as described below.

a. You must submit applicable quarterly, annual, and final program and financial reports according to the requirements of the OLHCHH, including new Transparency Act Reporting

requirements. Specific guidance and additional details will be provided to successful applicants in the grant agreement. OLHCHH will include these reporting requirements in its terms and conditions as part of the grant agreement in its 2017 awards.

b. You must comply with reporting requirements of subpart E (Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. § 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects)) and the HUD regulations at 24 CFR 135.

c. If you purchase X-ray fluorescence (XRF) analyzers in excess of \$5,000 apiece, you must complete and submit to OLHCHH the General Services Administration's annual Tangible Personal Property Report, if and after that report receives OMB approval under the Paperwork Reduction Act of 1995 (see 75 Federal Register 14441-14442; March 25, 2010). This report has four components: the Annual Report, the Final (Award Closeout) Report, the Disposition Report/Request, and, if needed, the Supplemental Sheet (see <http://www.whitehouse.gov/omb/grants/standardreportforms>). Generally, the average estimated time to complete each of these components is 0.5 hours; it is likely to be less for this grant program.

d. You must collect demographic data by using the HUD approved Race/Ethnic Form (HUD-27061).

e. Transparency Act Reporting. You must report on funding and expenditures for yourself and sub recipients to meet the requirements of the Federal Funding Accountability and Transparency Act of 2006.

**FOIA Reporting.** HUD makes frequently requested materials, including information on the highest-scoring funding grant applications available on its [Freedom of Information Act \(FOIA\) website](#). To avoid disclosure of PII, proprietary information, business confidential information, or other content that should not be disclosed to the public, HUD will only post applications redacted pursuant to FOIA. Those recipients who receive the highest score in each competition must provide a redacted version of their applications within 30 days of notification from HUD that they submitted the highest-scoring application. If multiple applicants receive the same score, all of them will be asked to submit redacted applications. When submitting a redacted version, recipients may black out information that would cause the recipient substantial competitive harm, as the standard is provided in [5 U.S.C. 552\(b\)\(4\)](#), should the information be disclosed to the public. HUD will take the recipient's proposed redactions under advisement when determining what information should be released to the public.

Please direct questions regarding specific reporting requirements to the point of contact listed in Section VII. Agency Contact(s), below.

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

For a period of at least 120 days, beginning 30 days after the awards for a Program NOFA are publicly announced, HUD will provide to a requesting applicant a debriefing related to its application. A request for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF424 or by his or her successor in office, and be submitted to the person, organization, or email address identified as the contact under the section

entitled Agency Contact(s) in the Program NOFA. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

## VII. Agency Contact(s).

HUD staff will be available to provide clarification on the content of this NOFA. Please note that HUD staff cannot assist applicants in preparing their applications.

Questions regarding specific program requirements for this NOFA should be directed to the point of contact listed below.

Michelle Miller

(202) 402-5769

[Michelle.M.Miller@HUD.gov](mailto:Michelle.M.Miller@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.

## VIII. Other Information.

**Paperwork Reduction Act Statement.** The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C.3501-3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. Each Program NOFA will identify its applicable OMB control number unless its collection of information is excluded from these requirements under 5 CFR part 1320.

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

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFA in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for inspection at HUD's Funds Available web page at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/grants/fundsavail](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail).