




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

Fair Housing / Equal Opportunity

Fair Housing Initiative Program  
Fair Housing Organization Initiative  
FR-5800-N-20B



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Date

Fair Housing Initiative Program

FR-5800-N-20B

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

**Program Office:** Fair Housing / Equal Opportunity  
**Funding Opportunity Title:** Fair Housing Initiative Program  
**Announcement Type:** Initial  
**Funding Opportunity Number:** FR-5800-N-20B  
**Primary CFDA Number:** 14.416 Education Outreach Initiative  
**Additional CFDA Number:** 14.417 Fair Housing Organization Initiative  
14.418 Private Enforcement Initiative  
**Due Date for Applications:** **September 02, 2014**

### Additional Overview Information:

1. Incorporation of the General Section. HUD publishes a General Section each fiscal year that contains *mandatory requirements* for all applicants to HUD's competitive grant programs including this NOFA. Applicants must meet all of the requirements of the General Section in addition to the requirements of this NOFA to be considered and to receive funding. The full title of the General Section is General Section for Fiscal Year 2014 Discretionary Programs. It can be found on Grants.gov and on HUD's Funds Available webpage 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).

2. OMB Approval Number(s): 2529-0033

## I. Funding Opportunity Description.

### A. Program Description and Requirements.

#### A. Description.

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

#### B. Program Definitions.

The definitions that apply to this FHIP NOFA are:

- a. Administrative Costs. Administrative costs include, providing clerical expenses; providing or securing legal services; providing or securing financial management services such as accountants, consultants, sub-contractors, or others retained by the organization.
- b. Allegation. Allegation means an intake where there are one or more claims of a violation of a fair housing law. Allegations are only applicable to those protected classes under fair housing laws that are in effect within the applicant's service area.
- c. Complaint. Complaint means a filed fair housing complaint accepted by HUD or a FHAP agency as jurisdictional.
- d. Fair Housing Act. The Fair Housing Act means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601-3620).
- e. Fair Housing Assistance Program (FHAP) Agencies. Fair Housing Assistance Program (FHAP) agencies, as described in 24 CFR 115, means State and local fair housing enforcement government agencies that receive FHAP funds to administer laws deemed substantially equivalent to the Fair Housing Act.
- f. Fair Housing Counseling – means the process used by fair housing organizations to advise persons about their rights and responsibilities, available options for exercising their rights, and remedies provided under fair housing laws.
- g. Fair Housing Enforcement Organization (FHO). Fair Housing Enforcement Organization (FHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.
- h. Full-service Projects. Full-service projects must include the following enforcement-related activities in the project application: interviewing potential victims of discrimination; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; conciliating; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.
- i. Intake. Intake means housing contacts/queries received by a fair housing organization. Intakes may be in-person or by phone, mail or email contact and documented through the fair housing organization's standard intake form or database entry. Information gathered at intake starts the fair housing process. Repetitive contacts from a single individual may not be counted as an intake unless the additional contact contains a new allegation or relates to a new respondent. Intakes do not include someone returning a non-enforcement related phone call, a telemarketer calling the office, or incoming personal phone calls.
- j. Jurisdiction. Jurisdiction under the Fair Housing Act is established when the complaint is filed in a timely manner; the complainant has apparent standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) appear to be covered by the Fair Housing Act; and the subject matter and the basis of the alleged discrimination may constitute illegal practices as defined by the Fair Housing Act.
- k. Meritorious Claims. Meritorious claims means enforcement activities by an organization that resulted in lawsuits, judgments, consent decrees, legal settlements, HUD or

substantially equivalent agency (under 25 CFR 115.6) conciliations, or organization-initiated settlements, with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR 125.103), for complaints that are jurisdictional under the Fair Housing Act.

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

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

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

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

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

q. Regional/Local/Community-Based Activities. Regional/Local/Community-Based Activities are defined at 24 CFR 125.301(a) and (d).

r. Rural Areas. Rural Areas mean any of the following:

- (1) A non-urban place having fewer than 2,500 inhabitants (within or outside of the metropolitan areas).
- (2) A county or parish with an urban population of 20,000 inhabitants or less.
- (3) Territory, including its persons and housing units, in rural portions of “extended cities.” The Census Bureau identifies the rural portions of extended cities.
- (4) Open country that is not part of or associated with an urban area. The USDA describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, or open space set aside for future development.
- (5) Any place in whole or in part, not located in a Metropolitan Statistical Area.

s. Statement of Work (SOW). Statement of Work (SOW) means a document that describes

all the tasks necessary to do the work, includes all the steps needed for good management control and specificity regarding work to be done and deliverables, and provides a basis for mutual understanding of the requirements and tasks.

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

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

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

w. **Test Part.** Test part means a contact by a tester with an entity that is or may be covered by the Fair Housing Act. The contact may be by telephone, email, or in person. A test part does not include a preliminary contact by an employee of a QFHO or FHO to determine office hours, operational issues or other information needed to conduct a test. A test part may represent a single test, may be part of a matched pair test, which has two test parts, or be part of a multiple contact test with three or more parts.

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

y. **Underserved Populations.** Underserved Populations means groups of individuals who are:

(1) Of an immigrant population (especially racial and ethnic minorities who are non-English-speaking or have limited English proficiency);

(2) Living in a rural area;

(3) Homeless;

(4) Persons with disabilities (physical or mental); or

(5) Persons in areas where there is inadequate protection and ability to provide fair housing service from a State or local government or private fair housing organization.

## **B. Authority.**

Section 561 of the Housing and Community Development Act of 1987, as amended (42 U.S.C. 3616), established FHIP. The implementing regulations are found at 24 CFR Part 125. FHIP is authorized under Sec. 561 of the Housing and Community Development Act of 1987, as amended. The available funding is subject to enactment of the FY2014 HUD appropriations.

## **II. Award Information.**

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

HUD is making available through this NOFA **\$38,300,000** for Fair Housing Initiative Program.

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 will be 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.

FHIP funds are used to increase compliance with the Fair Housing Act. This year, funding is available under three Initiatives: Private Enforcement, Education and Outreach, and the Fair Housing Organization Initiatives. Multi-year awards are subject to appropriations and the availability of funds.

The following is a general description of each program initiatives (See chart in section III. A. for all eligibility requirements and a listing of related components):

**1. Private Enforcement Initiative (PEI).** This Initiative provides funding to private, non-profit fair housing enforcement organizations for the investigation and enforcement of alleged violations of the Fair Housing Act.

**2. Education and Outreach Initiative (EOI).** This Initiative provides funding to organizations that inform the general public about their rights and obligations under the Fair Housing Act.

**3. Fair Housing Organization Initiative (FHOI).** This Initiative provides funding to establish new fair housing enforcement organizations and to support the continued existence of fair housing organizations in building their capacity to enforce the prohibitions on discrimination set forth in the Fair Housing Act.

HUD will award grants/cooperative agreements under each of these program initiatives. Applicants may be funded under the following Initiatives or Components based on eligibility:

**a. Private Enforcement Initiative (PEI) - \$29,275,000**

Multi-Year Funding Component (PEI-MYFC) - \$29,275,000;

**b. Education and Outreach Initiative (EOI) - \$5,450,000**

**(1) Regional/Local/Community Based Program (EOI-R/L/C-B)**

(a) General Component (EOI-G) - \$3,450,000;

(b) Tester Training Component (EOI-TTC) – \$500,000; and

(c) Affirmatively Furthering Fair Housing Technical Assistance Component (EOI-AFFH) – \$500,000

**(2) National-Based Programs**

(a) National Media Campaign Component (EOI-NMCC) - \$1,000,000

**c. Fair Housing Organization Initiative (FHOI) - \$3,575,000**

(1) Continued Development General Component (CDGC) - \$575,000;

(2) Lending Discrimination (Lending) - \$3,000,000.

Applicants may apply for each separate Initiative/component for which they meet the specific eligibility requirements (see eligibility chart in Section III.A.1). A separate application must be submitted for each component.

**B. Number of Awards.**

HUD expects to make approximately 125 awards from the funds available under this NOFA.

**C. Maximum Award Information.**

The maximum award possible under this solicitation varies. Specific minimum and maximum award amounts, per component are listed in the Chart under Section III. Eligibility Information.

Estimated Total Funding:	\$38,300,000
Minimum Award Amount:	\$125,000 Per Project Period
Maximum Award Amount:	\$1,000,000 Per Project Period

**D. Period of Performance.**

The period of performance for each initiative/component is listed in the Chart under Section III. Eligibility Information.

Estimated Project Start Date:	See chart Section III
Estimated Project End Date:	See chart Section III
Other	



## **Additional Information on Project Periods**

The period of performance varies based on the specific Initiative and/or component which an applicant applies.

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

Funding Instrument Type: Cooperative Agreement or Grant

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

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

If funds are provided subject to a cooperative agreement, HUD will also exercise the right to have substantial involvement in all proposed deliverables, Work Plan or Statement of Work (SOW). For grants and cooperative agreements, HUD will conduct monitoring reviews, request quarterly reports, and approve all proposed deliverables as documented in the applicant's Work Plan or SOW. Although most FHIP funds are awarded under grant agreements, national grants that remain in Headquarters are awarded under cooperative agreements.

### **F. Supplementation.**

**EFFECTIVENESS:** NEW – Multi-Year Funding Pilot Program – As one measurement of effectiveness, the FHIP will initiate a pilot program under the Private Enforcement Initiative. This pilot program allows applicants to qualify for one of four funding levels based on projected outcomes. Applicants will be selected for pilot participation by lottery, one for each funding level, and will be required to achieve the baseline service activity minimums for the tier which they identify based on minimum performance standards in Tier Activity Performance Chart. The objective of the pilot program is to focus PEI resources on grant

enforcement activities closely related to past successful performances. Successful applicants demonstrating both quantitative and qualitative performance at or above minimum levels for each tier will have their specific efforts considered as best practices. , Grantees meeting the Minimum or Standard outcomes for performance will receive technical and monitoring/evaluation support and may be required to attend training under our Education and Outreach Initiative Tester Training Component. In the initial pilot, if an applicant does not qualify to participate in the Pilot Program for one, does not have evidence of past performance minimums or elects not to participate in the Pilot Program , there is no penalty. Such applicants must identify on their PEI SOW that the organization “opts out” of participation in the pilot and requests only to be still considered for PEI Multi-Year funding under this NOFA . In addition, the ‘Opt out’ applicant must meet all other PEI general eligibility, threshold and other NOFA requirements and will receive the minimum funding level of \$325,000. Any applicant that opts out should also plan to attend Tester Training under the EOI-Tester Training component if selected for PEI-Multi-Year funding.

Previously selected PEI Multi-Year Funding Component applicants receiving their second or third multi-year payments will be funded at the previously established levels and are therefore not eligible to participate in the FY 2014 pilot.

This Pilot Program will allow an applicant to qualify for participation under each of the following tiers:

Minimum tier. This tier allows a minimum outcome requirement whereby grantees will receive less funding;

Standard tier. This tier will receive more funding than the Minimum Tier,

Proficient tier. This tier will allow grantees to receive more funding; and

Advanced tier: This tier will receive the most funding.

The objective of the tiered approach is that, if the Department determines the pilot successful, the program will move forward in the future with full implementation of the tiered-evidence outcome funding approach. The goal is that over time, with technical and evaluation support, grantees are prepared to substantiate their final outcomes and are able to move up tiers as evidence of success is shown.

- 1. PEI Multi-Year Funding (Pilot Program).** This pilot program will only apply to four new PEI Multi-Year Funding Component applicants, one for each tier, that will be selected through a lottery from a pool of the FY 2014 PEI-MY Pilot Program eligible submissions for that tier. There will be a separate lottery for each tier and one applicant will be selected from each lottery. This process assures that each tier is represented in the selection process. The lottery will consist of giving each eligible application a number, according to the tier selected, from 1-100 (if necessary). One number will be selected randomly from the group of eligible applicants. Once selected, the pilot participants will be submitted to the Technical Evaluation Panel for another tier eligibility review. Each applicant selected from the lottery will receive funding based on the final eligibility review by the TEP.

## **ELIGIBILITY**

Any applicant that meets the general PEI eligibility, threshold and other NOFA requirements, and that provides evidence of meeting the minimum performance standards outlined in the Tier Activity Performance Chart (see Attachment A) is eligible to apply for pilot participation, if the applicant **elects to be considered for participation**.

If an applicant elects to be considered for the Pilot Program , the applicant must have the following information in their application:

1. Identify one of the tier categories for which the applicant qualifies (see Attachment A), and identify the selection (minimum, standard, proficient or advanced) on the Applicant's SOW.
2. A brief (one page or less) narrative justification for the tier selected. The justification should include reference to evidence of past performance consistent with the activity minimums as outlined in Attachment A – PEI Pilot Program ONLY to support tier selection. Past performance documentation may include the applicant's 2012 close-out report, eLogic Model and/or enforcement logs submitted to the applicant's GTR.
3. Specific activities that the applicant proposes to complete for FY2014 from the activities outlined in Attachment A – PEI Pilot Program ONLY . Each applicant must select the following number of PEI activities to complete:
  - 15 or more Enforcement Activities
  - 4 or more EOI Activities
4. Applicants must also propose five or more "Other Activities" at the organization's discretion. Examples may include but are not limited to: additional AFFH or capacity building activities, monitor settlement agreements, fair housing counseling, etc.). The applicant may see Appendix B for additional examples of eligible other activities. This is an example only and applicants are not required to select from the sample list.
5. A clear detailed description of all proposed activities in the SOW, consistent with the format outlined in Appendix A.

In addition, all applicants should prepare a budget under Factor 3 based on the tier award cap level. If selected for the pilot and the applicant qualifies above the minimum tier's outcome requirements, applicants must present a revised budget consistent with the selected funding level during budget negotiations. In regard to applicant's past performance justification, all past performance will be verified prior to pilot participation. Applicants selected for Pilot participation must track goals/achievements for all activities and report on the quarterly/final outcomes for each.

The pilot four funding tier levels differ from regular PEI Multi-Year funding in that, under the pilot if an applicant exceeds performance at the selected tier level, the applicant has the opportunity to “graduate” to the next higher tier and receive additional funding for the next grant performance year, based upon appropriations.

2. **For EOI Applicant's Proposed Activities.** For FY2014, this is a new component under the Education and Outreach Initiative. Please review eligibility requirements under Section III.A Eligible Applicants.

**3. Factor 5 Modification.** Achieving Results and Program Evaluation. To improve overall program evaluation, FHIP is replacing the use of the eLogic Model as a measuring tool to track grantee activities and results under Factor 5. This modification is consistent with the Department's goal in assuring effectiveness and accountability in program evaluation. Applicants are no longer required to complete an eLogic Model; however, all applicants are required to respond to the Factor 5 narrative questions regarding outcomes.

**4. NOFA Priorities Modification.** The FY2014 NOFA moves the Policy Priorities, which are now referred to as "NOFA Priorities" from Factor 3, and places the NOFA Priorities under a new Section A.2 of this NOFA. The change is consistent with a Departmental change as outlined in the General Section. The points awarded for the Rating Factors under this NOFA remain 100 points. This includes a possible 4 points for applicants that meet or exceed the NOFA Priorities. In FY2014, NOFA Priority points will only be considered if the application meets or exceeds the Program's minimum fundable score based on the rating factors in this NOFA. This is a new process consistent with the General Section. For additional information, please see the General Section.

### **III. Eligibility Information.**

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

Eligible applicants under this NOFA include:

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

Additional Information on Eligibility:

Please see the information outlined below.

1. Eligible Applicants. Eligible applicants are Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs), public or private not-for-profit organizations or institutions, and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices; agencies of State or local governments; and agencies that participate in the Fair Housing Assistance Program (FHAP).

The following chart details each FHIP Initiative/ Component, the approximate available funding, and the eligible applicants and activities:

Initiative/Component	Amount Available	Applicant Eligibility	Project Period	Award Caps	Applicant Eligible Activities
<p>Private Enforcement Initiative (PEI) - Multi- year Funding Component Provides funding for private, tax exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act.</p>	<p>\$29,275,000</p>	<p>Fair Housing Enforcement Organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and enforcement of meritorious claims in the two years prior to the filing of the application (24 CFR 125.401(b)(2)) and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement related experience as noted above, and meritorious claims in the three years prior to filing this application (24 CFR 125.103).</p>	<p>36 months</p>	<p>Up to \$325, 000 per year for a three-year duration for applicants selected outside of the pilot.  Pilot Program Minimum – up to \$325, 000; Standard - \$350, 000; Proficient - \$375, 000; and Advanced - \$425, 000.  See attachment below for further details on award specifics and effectiveness measures.  All funding is</p>	<p>Eligible activities include, but are not limited to: (1) Intake of allegations of housing discrimination, testing, evaluating testing results, and providing other investigative work to provide a just resolution for discrimination that may violate federal, state or substantially equivalent local fair housing laws; (2) investigation of discrimination, through testing and other investigative methods including systemic investigations; (3) Mediation or other voluntary resolution of allegations of fair housing; and (4) litigating fair housing cases, including procuring expert</p>

				based appropriations upon .	witnesses. Activities are eligible only in cases involving conduct prohibited by, or rights protected under, the Fair Housing Act. PEI-Multi-year applicants should structure their activities to allow for flexibility from year to year. HUD will allow applicants under the PEI-Multi-year to modify their activities with the approval of the GTR based upon changing demographics and/or need.
Education and Outreach Initiative (EOI) - Regional/ Local/ Community Based General Component	\$3,450,000	QFHOs, FHOs, other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968, agencies of State or local governments and agencies certified by the Secretary under section 810(f) of the Fair Housing Act or other public or private entities	12 - 18 months	Up to \$125,000	Eligible activities are those that are designed to inform people of their rights or responsibilities under the Fair Housing Act. Such activities may include, but are not limited to, developing brochures that educate and enhance knowledge of the Fair Housing

that are  
formulating or  
carrying out  
programs to  
prevent or  
eliminate  
discriminatory  
housing practices.

Act, webinars,  
and on-line  
materials that let  
people know that  
materials are  
available,  
conducting  
educational  
symposia or  
other training;  
developing,  
printing and  
distributing  
innovative fair  
housing  
activities or  
materials into  
languages  
applicable to  
communities  
throughout your  
project area;  
providing  
outreach and  
information on  
fair housing  
through printed  
and electronic  
media; and  
developing or  
distributing Fair  
Housing  
brochures,  
Public Service  
Announcements  
for radio,  
television, and  
newspaper  
advertisements.  
Applicants may  
also address the  
fair housing  
needs of persons  
with disabilities,  
educate  
consumers

about mortgage lending discrimination; provide advocacy for and direct assistance to victims of fair housing and fair lending laws including fraudulent or predatory mortgage rescue schemes that may violate the Fair Housing Act; sex discrimination, including discrimination based on gender stereotyping or source of income when such discrimination may also amount to a violation of the Fair Housing Act and abusive lending practices that may violate the Fair Housing Act. Applicants should look to a common theme in development of all fair housing materials.

Materials may come from previous national fair housing ad campaigns that are customizable at the local level



					or other sources as determined by HUD.
<p>Education and Outreach Initiative (EOI)</p> <p>—National-Based Program</p> <p>—National Media Campaign Component</p>	\$1,000,000	<p>QFHOs, other fair housing enforcement organizations, and other nonprofit organizations with experience in the field of housing discrimination representing groups of persons protected under Title VIII of the Civil Rights Act of 1968.</p> <p>Applicants must have at least five years of experience as an advertising, media or public relations organization or must partner with an advertising and media services organization with at least five years of experience as an advertising, media, or public relations organization or must partner with an advertising and media services organization with at least five years of experience as</p>	12-18 months	Up to \$1,000,000	<p>Eligible activities will include: development of a creative and innovative education and advertising campaign with an explicit connection to conduct prohibited by, and rights protected under the Fair Housing Act.</p> <p>The materials, including their production and availability in languages other than English must be connected by a common theme or graphic design and continue an existing theme or strategy used by HUD such as the “Live Free”, “Welcome Home”, or “Fair Housing... It’s the Law” theme or a project previously funded by the FHIP program under other grants.</p>

an advertising, media, or public relations organization. Applicants must provide for the development, implementation, and distribution of a fair housing media campaign that is directly linked to conduct prohibited by, and rights protected under, the Fair Housing Act.

The successful applicant must collaborate with other fair housing organizations to develop a consolidated messaging program. In addition, the applicant must identify gaps in the existing materials, including their production and availability in languages other than English.

Based on that analysis, the applicant may propose up to ten (10) new activities to expand existing materials or develop new materials.

The applicant must develop a plan to publish and distribute to fair housing groups and other organizations serving members of the Fair Housing Act's protected classes all materials.

Also, eligible activities include distribution of

materials, including brochures, training materials including Power point presentations, fair housing advertisements and posters, and other materials designed to educate individuals, organizations and housing providers about the Fair Housing Act that can be used for multiple distribution.

Delivery systems may include printing hard copy materials, production of user-friendly materials on disc or electronically, and use of Facebook and other social media strategies. The above activities must be developed for national distribution with appropriate numbers of copies, and all materials created must demonstrate an

					explicit connection to furthering the non-discrimination provisions of the Fair Housing Act.
<p>Education and Outreach</p> <p>– State/ Regional/ Local/ Community Based</p> <p>– Affirmatively Furthering fair Housing Technical Assistance Component</p>	\$500,000	<p>QFHOs, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968.</p> <p>Applicants who received FY 2012 AFFH Regional/local Community Based funding are ineligible to receive a FY2013 EOI-AFFH grant under this NOFA.</p>		Up to \$125,000	<p>Develop and provide a state/ regional/ local community based affirmatively furthering fair housing technical assistance delivery system based on HUD's Strategic Plan appropriate for audiences such as federal funding recipients including but not limited to CDBG entitlement jurisdictions, HOME Program or other supportive housing services and housing / economic development programs;</p> <p>affordable housing planners and / or developers; community development members;</p>

					<p>public housing authorities;</p> <p>affordable housing developers;</p> <p>housing counseling agencies or organizations involved in community development planning or economic development or planning for developments and fair housing organizations about best practices to affirmatively further fair housing, and access to appropriate data sources.</p> <p>Information must be consistent with applicable laws, regulations and HUD guidance.</p>
<p>Education and Outreach</p> <p>– Tester training component</p>	\$500,000	<p>QFHOs, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the</p>	12 - 18 months	\$500,000	<p>Applicant’s proposed activities must include developing methods for more consistent and approved testing</p>

Civil Rights Act of 1968. Applicants must have at least a minimum of two years of testing experience and expertise.

and continued technical assistance with existing materials and updating these materials for FHIP applicants who have participated in training under the national testing training program and to include others to attend the same training or training similar in scope and complexity. Activities may also include: a. Ensuring consistent methodologies for rental and sales tests, lending and insurance tests, and internet/email testing based on race, color, religion, sex, national origin, familial status and disability. b. Collecting information on accomplishments and successful cases as a result of the training. c. Ensuring consistent tester profiles, test

					assignments, preparation of testers, and costs of tests. Trainings must address strategies to uncover violations of the Fair Housing Act.
Fair Housing Organizations Initiative – Continued Development General Component	\$575,000	QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups building their capacity to become a viable fair housing enforcement organization. As a threshold requirement, organizations cannot receive funding through both FHOI Continued Development General Component (CDGC), or funding through the PEI Multi-Year component.	12 - 18 months	\$325,000	Eligible activities are those that build the capacity of an organization to become a viable fair housing enforcement organization. Examples of activities for continued development of existing organizations may include:  (1) change from a fair housing education organization to one which will include an enforcement staff or  (2) provide continuing support to organizations established under the FY 2013 Establishing New

					Organizations Component.
Fair Housing Organizations Initiative - Lending Discrimination Component	\$3,000,000	QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups organizing or to build their capacity to provide fair housing enforcement for the purpose of supporting the continued implementation of initiatives, which address mortgage lending discrimination, and provide education about enforcing the prohibitions on discrimination set forth in Title VIII of the Civil Rights Act of 1968 as amended.	12-18 months	Up to \$325,000	Eligible activities include but are not limited to:  (1) Intake and investigation of allegations of lending discrimination, or providing other investigative and complaint support for administrative and judicial enforcement of fair lending laws, related to making, servicing or purchasing of mortgage loans, the prevention of mortgage default in foreclosure, and discrimination in mortgage modifications and mortgage refinance in relation to the Fair Housing Act;  (2) Investigation of possible systemic violations and enforcement pursuant to other equal



opportunity or fair lending statutes that accompany a suspected fair housing violation;

(3) Assisting clients with loan workouts, refinancing, or modifications necessary as the result of a violation of the Fair Housing Act; or law prohibiting lending discrimination;

(4) Education and outreach activities such as providing education and counseling to persons who may have encountered lending discrimination in services, terms, strategies, or schemes related to the prevention of mortgage default or foreclosure. Training on discriminatory lending practices based on race, color, religion, national origin, sex, familial status or

disability such as bait and switch schemes, loan flipping, loan packaging, mortgage servicing scams, equity stripping, or loan modifications and loan modification assistance.

(5) Performing education, training, technical assistance, and other services to enhance the capacity of existing organizations to investigate and enforce fair lending laws to address mortgage lending discrimination, and to providing advocacy and direct assistance to victims of fair housing and fair lending laws including fraudulent or predatory mortgage rescue schemes as resulting from violations of the Fair Housing Act.

				(6) Training on discriminatory tactics based on race, color, religion, national origin, sex, familial, status or disability such as bombarding vulnerable owners with phone calls flyers and posters to build trust after learning of mortgage delinquencies through published reports, etc.
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**Attachment A - PEI Pilot Program ONLY**

**Applicants/Grantees are required to select and report on PEI-MY activities listed below in relation to their current activities.**

FHIP provides flexibility in applicant activity selection to assure that selected activities are consistent with the proposed targeted population needs.

	Minimum	Standard	Proficient	Advanced
<b>Enforcement Related Activities (select 15 activities)</b>				
Intakes Conducted	300	350	400	450
Allegations received	100	125	150	175

Number of clients assisted requesting reasonable accommodation/ modification	2	6	10	14
Systemic investigations initiated under current grant organizations	10	15	20	20
Systemic investigations initiated with other FH organizations	1	2	2	2
Recruit Testers	10	15	20	25
Testers who successfully complete training and practice test	5	8	10	10
Rental Test parts conducted	85	108	114	121
Accessibility Design/ Construction test parts conducted	5	5	5	8
Sales test parts conducted	0	12	24	30
Insurance test parts conducted	0	0	0	8
Lending test parts conducted	0	0	10	20
Total number of test parts conducted	90	125	160	180
Staff training hours	24	32	40	48
Conduct Tester refresher course for experienced testers	3	6	8	10
Number of Site Assessments	1	2	3	4
Number of Market reviews prior to testing	4	8	12	16
Number of businesses whose business practices were analyzed	0	0	2	5
Monitor settlement agreements	1	2	3	4
Monitor zoning changes	0	0	2	3
Persons helped with Mortgage Rescue	0	0	6	14
Persons with Disabilities Assisted	10	15	20	25
Persons assisted facing foreclosure	0	0	8	12
Enforcement proposals filed with DOJ	0	0	1	2
Complaints mediated/ conciliated	1	2	4	8

Complaints referred to attorneys	0	1	2	4
Predatory lending complaints accepted for intervention/ prevention	0	0	1	2
<b>Education &amp; Outreach Related Activities (select 4 activities)</b>				
Partnerships with agencies/ organizations	4	6	8	10
Outreach to local/ state jurisdictions to inform them of the obligation to AFFH and penalties for fair housing discrimination	2	3	4	5
FHIP agency attempts to engage with local/ state Entitlement Jurisdictions and/ or their sub-grantees to develop standards which affirmatively further fair housing	5	10	25	30
Provide informative, useful website - Views of website	3,000	5,000	7,000	9,000
PSA distributed Media outlets	5	8	12	15
Speaking engagements with housing consumers – events	10	15	20	25
Speaking engagements and /or meetings with housing industry and/ or government staff – meeting/ events	1	2	3	4
Targeted outreach to specific groups	8	12	16	20

**Other Activities (applicant's choice - 5 proposed activities) - Please see Appendix B for an example of eligible activities.**

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HUD does not award grants to individuals nor will HUD evaluate an application from an ineligible applicant. Additionally, if for-profit firms are eligible they are not allowed to earn a fee (i.e., make a profit from the project).

In accordance with 2 CFR 25.200, all applicants must have an active Data Universal Numbering System (DUNS) number ([www.dnb.com](http://www.dnb.com)) and have an active registration in the System for Award Management (SAM) ([www.sam.gov](http://www.sam.gov)) **before submitting an application**. Getting your DUNS number and SAM registration can take up to four weeks; therefore, you should start this process or check your status early.

## **B. Cost Sharing or Matching.**

Federal sources are generally not allowed to be used as cost share or match unless otherwise permitted by a program's authorizing statute.

This Program does not require an applicant to leverage resources through cost sharing or matching.

## **C. Other.**

You must refer to Section III of the General Section for information on the following eligibility requirements. These requirements may, where applicable, determine whether your application is reviewed or make your application ineligible for funding:

- Resolution of civil rights matters;
- Compliance with nondiscrimination and other requirements, including but not limited to:
  - compliance with all applicable fair housing and civil rights laws;
  - affirmatively furthering fair housing;
- Delinquent Federal debts;
- Financial management systems that meet Federal standards;
- Debarment and/or suspension from doing business with the Federal Government;
- False statements;
- Do Not Pay review and compliance with the Improper Payments Elimination and Recovery Improvement Act of 2012;
- Standards of ethical conduct/code of conduct;
- Prohibition against lobbying activities; and
- Conflicts of interest.

### **1. Threshold Requirements Applicable to All Applicants.**

**a. General Section Threshold Requirements.** All applicants must comply with the threshold requirements as defined in the FY 2014 **General Section** and the Technical Correction to the FY 2014 General Section (Section III.C.2 and Section III.C.3) and the Program Requirements listed below. Only applicants deemed eligible will be ranked and rated.

**b. Performance.** Performance for all FHIP grantees is based on the FHIP grantee's Government Technical Representative (GTR) Final Performance Assessment Report. First-time applicants, applicants who have never received a FHIP award, and grantees awarded FY2012 and FY2013 grants will be treated as new applicants. The FY2012 and FY2013 grantees are treated as new since FY2012 and FY2013 grant activities may remain open, and therefore, those grantees may not have received a final performance assessment report. GTR Final Performance Assessment Reports contain the following items: (1) Performance of all requirements under the grant, (2) Acceptance of work performed, and (3) Quality of performance.

Funding for FY 2014 PEI Multi-year pilot will be based on past performance of applicants

and funding levels are determined based on applicant's selection and past effectiveness, as described under Rating Factor 1, (2)(b) and 3 (tier justification). In addition to the PEI pilot, other new applicants with no previous performance may be funded at the minimum levels only.

**c. Eligible PEI and FHOI Applicants.** The applicant must meet the eligibility requirements as defined in Section III A. Eligible Applicants. Applicants for PEI and FHOI must be a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) prior to the application deadline date to be eligible for funding. Please include in the application an IRS report showing 501(c)(3) status. If an applicant's 501(c)(3) status has expired prior to application deadline date, the applicant must show in the application that the organization has applied for renewal of tax-exempt status and that the application is pending. If 501(c)(3) status has expired and there is no application for renewal in the organization's application at the deadline date, the applicant will be deemed ineligible. In addition, if an organization with a pending 501(c)(3) application is selected for a funding award based on the review and selection process, the applicant must provide proof that the 501(c)(3) renewal is approved prior to release of funding. If the applicant's pending application is subsequently denied, the applicant's organization will be deemed ineligible and the award selection will be rescinded. Further, all applicants must maintain their 501(c)(3) status throughout the grant period.

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

**e. Amount in Excess of the Maximum Amount.** Applicants are ineligible for funding if they have requested funding in excess of the maximum amount allowed under the initiative or component for which they have applied.

**f. Inconsistencies in the Requested Amount or Miscalculations.** Inconsistencies in the requested amount and/or miscalculations that result in amounts over the maximum award amount will be considered excessive and the application will be considered ineligible.

**g. Performance.** FHAP agencies under a suspension or performance improvement plan based on an agency performance, as designated under CFR Part 115.210(B) at the time of application are ineligible for funding unless the performance issues are resolved to HUD's satisfaction before the application deadline. Applicants receiving a "Poor" performance rating under the FHIP are ineligible for funding.

**h. Eligible Activities.** When the majority of the activities are ineligible, HUD will not fund the application.

**i. Fair Housing Act/Protected Classes.** Applicants that fail to address housing discrimination under the provisions of the Fair Housing Act will be ineligible.

**j. Research Activities.** Applicants are ineligible for funding if their project is aimed solely at research.

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

**l. Other Litigation.** An application is ineligible for funding if the organization used funds

provided by HUD (within the last three years) under this Program to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (42 U.S.C. 3616 note Sec. 561 (i)).

Applicants that do not meet these requirements will not be eligible to receive an award.

## **2. Program Requirements.**

**a. Fair Housing Related Activities.** All the activities and costs within the Statement of Work (SOW) and budget must be fair housing related activities, and must demonstrate an explicit connection to furthering the nondiscrimination provisions of the Fair Housing Act. HUD will not fund any portion of an application that is not eligible for funding under the regulatory requirements; or that does not meet the requirements under this NOFA. Only the eligible portions of a successful application will be funded.

**b. Fair Housing Act/Protected Classes.** All FHIP-funded projects must address housing discrimination because of race, color, religion, sex, disability, familial status, and/or national origin and further the nondiscrimination provisions of the Fair Housing Act. The project may address discrimination based on gender stereotyping (e.g., gender identity discrimination when such discrimination may also violate the Fair Housing Act). In addition, the project may address source of income discrimination if the organization believes that a practice that is neutral on its face and has been applied neutrally has disparate impact on a protected class under the Fair Housing Act or discrimination based on source of income contributes to a failure to affirmatively further fair housing. HUD is determined to ensure equal opportunity and access to housing in all communities across the nation. All services and activities must be available to all protected class members. The application's description of proposed activities must reflect the commitment to address housing discrimination affecting all of the above protected classes.

## **3. Additional Requirements.**

**a. Affirmatively Furthering Fair Housing (AFFH).** Under section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing (see section III.C.3.b. of the FY 2014 Technical Correction to the General Section for more information). Actions taken should be designed to address impediments to fair housing choice that are identified in the Analysis of Impediments to Fair Housing Choice of the jurisdiction(s) in which the program activities occur; remedy discrimination in housing and urban development activities; promote diverse, integrated living patterns; and promote housing-related opportunities that overcome the effects of past discrimination based upon race, color, national origin, religion, sex, disability, and familial status. Consistent with the Department's FHIP rule at 24 CFR 125.105, applicants must describe practices in the proposed service area that adversely affect the achievement of the goal of fair housing; specify activities to address these adverse practices to be conducted with FHIP funds, including the final product(s) and/or any reports to be produced; and describe the expected long-term results. Applicants will provide this information in their responses to the Rating Factor Three.

### **b. Compliance with Fair Housing and Civil Rights Laws.**

(1) With the exception of federally recognized Indian tribes and their instrumentalities, (a)



applicants and their sub recipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and Section 109 of the Housing and Community Development Act of 1974; and (b) if the applicant's state or local government has passed a law or laws proscribing discrimination in housing based on sexual orientation or gender identity, or a law or laws proscribing discrimination based on lawful source of income, the applicant and any proposed sub-recipients must comply with those laws.

(2) If an applicant is a federally recognized Indian tribe or Tribally Designated Housing Entity (TDHE), the applicant should review the particular civil rights requirements for the funding program specified in the program's authorizing legislation, implementing regulations, and funding notice. For example, for programs authorized under the Native American Housing Assistance and Self-Determination Act, the nondiscrimination provisions enumerated at 24 CFR 1000.12 apply. Furthermore, the applicable civil rights requirements may depend on whether the applicant is a Federally-recognized tribe.

**c. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)."**

Executive Order 13166 seeks to improve access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency. Applicants obtaining federal financial assistance from HUD 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). For assistance and information regarding LEP obligations, go to [http://www.justice.gov:/crt/lep/guidance/ HUD\\_guidance\\_Jan07.pdf](http://www.justice.gov:/crt/lep/guidance/HUD_guidance_Jan07.pdf). For more information on LEP, please visit <http://www.hud.gov/offices/fheo/promotingfh/lep.cfm>. For additional information, see the FY 2014 Technical Correction to the General Section III.C.3.d

**d. Accessibility Requirements.**

All grant recipients and sub-recipients must use facilities and services that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, recipients and sub-recipients must give priority to alternative methods of product delivery that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and its implementing regulations at 24 CFR Part 8, and Titles II and III of the Americans with Disabilities Act, as applicable. All programs or activities must be held in accessible locations unless the recipient can demonstrate that doing so would result in a fundamental alteration of the program or an undue financial and administrative burden, in which case the recipients must take any action that would not result in such an alteration or such burden but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity, e.g., training at an alternate accessible site, in-home training. Individuals with disabilities must receive services in the most integrated setting appropriate to their needs.

**e. Accessible Technology.**

Section 508 of the Rehabilitation Act (Section 508) requires HUD and other federal departments and agencies to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allow, regardless of the type of medium, persons with disabilities to access and use information and data on a comparable basis as is made available to and used by persons without disabilities. Section 508's coverage includes, but is not limited to, computers (hardware, software, word processing, email, and Internet sites), facsimile machines, copiers, and telephones (see section VI.B.4 of the General Section for more information). Applicants and recipients seeking further information on accessible technology should go to <http://www.section508.gov/>.

**f. Economic Opportunities for Low-and very Low-Income Persons (Section 3).**

While the requirements of Section 3 of the Housing and Urban Development Act of 1968 do not apply to this NOFA, recipients of funding under this program should attempt to ensure that low- and very low-income residents of the metropolitan area where these funds are spent, particularly those that receive federal housing assistance, be informed of new training and employment opportunities created as a result of the funds awarded. For additional information, please see the General Section III.C.3.

**g. Eligibility of Successor Organizations for PEI.** HUD recognizes that QFHOs and FHOs may either merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization that has a separate Employer Identification Number (EIN) does not confer QFHO or FHO status upon the successor organization. To determine whether the successor organization meets eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization must establish in its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO to be eligible to apply under the PEI Initiative. For the PEI Multi-year Funding Component, when QFHOs merge with another QFHO during the period of performance, HUD will look at the enforcement related experience of the merged organization to determine continued eligibility status as a QFHO. When QFHOs merge with a FHO with one year experience or less, HUD will assess the eligibility of the new organization under the PEI Multi-year Funding Component. If HUD determines that the organization is eligible, then HUD will issue a new award agreement and require submission of a Code of Conduct for the new organization as well as an establishment of the new LOCCS account. In addition, the new organization must secure a new DUNS number and have an active registration in CCR or SAM before HUD will make the award to the new organization or allow additional funds to be drawn. If the new organization is unable to secure a new DUNS number or register in CCR/SAM, then the grant will be suspended and terminated.

**h. Education and Outreach Initiative National Based Program. National Media Campaign Component.** Applicants must meet the applicant eligibility requirements for EOI, National Media Campaign as outlined in Section III.A.1 of this NOFA. Applicants will be ineligible if they fail to meet these requirements.

**i. Education and Outreach Local/Regional/Community Based Program. Affirmatively**

**Furthering Fair Housing Training Component.** Applicants must develop and implement an affirmatively furthering fair housing training curriculum suitable for recipients of federal financial assistance, including but not limited to CDBG recipients; HOME program, or other supportive housing services and housing/economic development programs; affordable housing planners and/or developers; community development members; public housing authorities; affordable housing developers; housing counseling agencies or organizations involved in community development planning or economic development or planning for development and fair housing organizations about best practices to affirmatively further fair housing, and access to appropriate data sources. Activities should include providing basic affirmatively furthering fair housing education and must address strategies that are consistent with applicable laws, regulations and HUD guidance. Applicants who received FY2013 AFFH Regional/Local Community Based awards are ineligible to receive a FY2014 EOI/AFFH grant under this NOFA.

**j. Private Enforcement Initiative. Multi-Year Funding Component.** Applicants that received 2012 or 2013 PEI-MYFC funding are ineligible to receive a new FY2014 PEI-MYFC grant. Those applicants will receive funding under their current PEI-MYFC grant.

**k. Education and Outreach Initiative. Affirmatively Furthering Fair Housing Training Component.** Applicants who received EOI-AFFH Regional/local Community Based funding in FY2013 are ineligible to receive a new FY2014 EOI-AFFH grant.

**l. Single Audit Requirement.** All applicants who have expended \$500,000 or more in Federal financial assistance within a single year (this can be a program or fiscal year) must be audited in accordance with the OMB A-133 requirements as established in 24 CFR Part 84 and 24 CFR Part 85. If an applicant receives \$500,000 or more in Federal financial assistance, the applicant's application must set aside funds to complete the audit.

**m. Dun and Bradstreet Numbering System. (DUNS) Numbering Requirement.** Refer to the **General Section** for information regarding the DUNS requirement. Applicants will need to have a DUNS number to apply for funding via grants.gov as well as receive an award from HUD. The DUNS number used in the application must be for the applicant organization identified in Box 8a on the HUD424, Application for Federal Financial Assistance.

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

**o. Testing Requirements for PEI and FHOI Applicants.** For PEI QFHO and FHO applicants who are awarded funding, for the applicant's proposed testing, the applicant is required in negotiations to provide a copy of its organization's written policy demonstrating that the organization policy/policies comply with the FHIP Regulation at 24 CFR 125.107. For FHOI QFHO and FHO applicants who propose testing the same requirements as above apply. In addition, these applicants should be prepared to adopt policies and practices that include a criminal background check on potential testers, and require that potential testers certify under penalty of perjury that they meet the requirements under that section. Costs for

all background checks should be included in the applicant's budget.

**p. Training Funds.** The proposed budget for any FHIP grant must set aside \$10,000 annually to be utilized to participate in HUD mandatory sponsored or approved training. For the PEI Multi-Year component, the proposed budget must set aside \$10,000 annually for a 36-month duration subject to availability of appropriations.

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

q. For EOI applicants. All EOI applicants are required to describe a referral process that will result in referral of fair housing complaints to HUD or Fair Housing Assistance Program (FHAP) substantially equivalent agencies. If funded, the grantee will be required to develop and implement the complaint referral process referenced in the application. Applicants should describe this information in the SOW introduction.

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

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

An electronic copy of the Application Package and Application Instructions for this NOFA can be downloaded from Grants.gov at <http://www.grants.gov/applicants/apply-for-grants.html>.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. If you receive a waiver, your paper application must be received by HUD before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you should contact:

Assistant Secretary for Fair Housing & Equal Opportunity  
Office of Fair Housing and Equal Opportunity  
451 7th Street, SW  
Room 5100  
Washington, DC 20410

A copy of all waiver requests must simultaneously be submitted to:

Myron P. Newry, Director, FHEO-FHIP Division  
451 7th Street, SW  
Room 5222B  
Washington, DC, 20410

If you are granted a waiver, the notification will provide instructions on where to submit the application and how many copies are required. If you receive a waiver of the electronic application submission requirement, your paper copy application must be received by HUD in room 5222B no later than 4:30 pm eastern time on the application deadline date. HUD applications are scanned. The scanning facility at HUD Headquarters closes at 5:00 pm

eastern time. Applicants must allow adequate time for the application to be scanned through this facility. Applications not received in 5222B by the 4:30 pm Eastern Time deadline date shall be deemed ineligible. There is no grace period for paper application submissions.

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

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

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

To assure you have the correct Application Package and Application Instructions, you must check that the CFDA number, the Opportunity Title, and the Funding Opportunity Number on the first page of your Application Package match those listed in the Overview of this NOFA. Your application will only be considered for the competition indicated on your submission.

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

1. All applicants must read and adhere to Initiative and Component specific submission requirements. Applicants should review the chart entitled "Summary of Initiatives /Components." You must submit a separate completed electronic application for each specific Initiative and component for which you are applying on or before the deadline date.

**B. Requirements Applicable to All Applicants.** The maximum length of the narrative response is ten (10) pages per factor. Applicants may submit less pages if desired. The narrative pages must be **double-spaced**. This includes all text, titles and headings. You are required to use 12 point font. You must respond fully to each rating factor to obtain maximum points. Failure to provide narrative responses to rating factors 1-5 or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factor. The Statement of Work and Budget information do not count toward the ten page maximum.

**C.** If you cannot access the toll-free number or experience problems, you may use (215) 825-8798 (this is not a toll-free number). Applicants must follow the directions provided in the General Section (section IV.B.1) for faxing information as part of their application submission. Failure to do so will result in the application being rejected by the Grants.gov system with a "VIRUS DETECT" error message.

Forms for your package include the HUD standard forms outlined below:

Complete Application Package Contains	Required Form and Content
Application for Federal Assistance	Form SF424 (per required form). Applicants must include the nine digit zip code (ZIP code plus four digits) associated to the applicant’s address in box 8d of the SF424. Also, in Box 15, along with the Initiative, an applicant should <b>include the Component</b> to which you are applying.
Survey for Ensuring Equal Opportunity for Applicants	HUD424 Supplement (“Faith Based EEO Survey (HUD424SUPP)”; (per required form). Non-profit private organizations (not including private universities) are encouraged to submit the survey with their application. Applicants applying electronically, may submit this survey along with application as part of the appendix or as a separate document.
Budget information	Form HUD424CBW (“HUD Detailed Budget Form and Worksheet”); (per required form)
Disclosure of Lobbying Activities	SFLLL, if applicable; (per required form). Submission of this form is required if any funds have been paid, or will be paid, to any person for influencing, or attempting to influence, or officer or employee of any agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan.
Applicant-Recipient Disclosure Update Report	HUD2880 (“HUD Applicant Recipient Disclosure Report”); (per required form)
Certification of Consistency with the Consolidated-Plan, if applicable.	(HUD2991)
Acknowledgement of Applicant receipt (Required only if you are granted waiver to the electronic application requirement)	HUD2993 (per required form)

Certification_of_Preferred_Sustainable_Communities, if applicable	HUD2995
Program Outcome Logic Model	HUD96010 (per required form)
Facsimile Transmittal Form HUD96011 Third Party Documentation Facsimile	HUD96011 (per required form)
Race and Ethnic Data Reporting Form	HUD27061 (per required form – post award)
Narrative for Rating Factors 1-5	Format described in Sections V.A. of this NOFA;
Statement of Work	Format described in this NOFA
Narrative Budget Work Plan	Format described in this NOFA
Management Questions	
Project Abstract (Amount Requested/Initiative and Component Requested)	One page summary including amount requested, Initiative and component applied, general description of project activities, areas of concentration, and issues pending resolution.

### C. Application Submission Dates and Times.

#### Application Deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form. Instructions on submitting your application to Grants.gov are contained within the Application Package you downloaded from Grants.gov.

The application deadline is 11:59:59 p.m. Eastern time on **09/02/2014** Applications must be received no later than the deadline. Please refer to the General Section for more information about timely receipt of applications.

Applications must be received no later than the deadline. Please refer to the General Section for more information about timely receipt of applications.

Your application must be **both received and validated** by Grants.gov. Your application is “received” when Grant.gov provides you a confirmation of receipt and an application tracking number. **If you do not see this confirmation and tracking number, your application has not been received.**

After your application has been received, your application still must be validated by Grants.gov. During this process, your application may be “validated” or “rejected with

errors.” To know whether your application was rejected with errors and the reason(s) why, you must log into Grants.gov, select “Applicants” from the top navigation, and select “Track my application” from the drop-down list. If the status is “rejected with errors,” you have the option to correct the error(s) and resubmit your application before the Grace Period ends.

**If your application was “rejected with errors” and you do not correct these errors, HUD will not review your application.** If your status is “validated” your application will be forwarded to HUD by Grants.gov.

**Grace Period for Grant.gov Submissions:** If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of one day beyond the application deadline to submit a corrected application that is received and validated by Grants.gov. Any application submitted during the grace period that does not meet the criteria above will not be considered for funding. There is no grace period for paper applications. See the General Section for more information about the grace period.

If you are required to submit supporting documentation you may either scan and attach these documents to your electronic application package or submit them via fax. If supporting documents are submitted by fax, you must use the HUD-96011 Facsimile Transmittal Form as a cover page; this form is located in your Application Package. You must send any faxes to the toll-free number **800-HUD-1010**. If you cannot access the toll-free number or experience problems using that number you may use **215-825-8798** (this is not a toll-free number). If you or any other parties submitting documents for this application do not use the form HUD-96011 that came with your application as the fax cover page, the documents cannot be matched to the application. Consequently, these documents will not be considered when the application is evaluated. Additionally, if your fax machine creates a cover page, you must turn this feature off.

**Amending a Validated Application:** If you resubmit an application that was previously validated by Grants.gov, all documents faxed in support of the application must be faxed again using the form HUD-96011. You must fax the materials after the resubmitted application has been validated by Grants.gov. All faxed materials must be received by the applicable deadline.

#### **D. Intergovernmental Review.**

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

#### **E. Funding Restrictions.**

**1. Indirect Cost Rate.** If you are awarded FHIP funds, HUD staff will request that you provide your federally approved indirect cost rate during budget negotiations. If you do not have a federally approved indirect cost rate and HUD is the cognizant agency, HUD will submit a request within 30 days after award to establish a rate. For information on indirect cost rates, you can review HUD’s training on [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/grants/training/odgmotraining](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/training/odgmotraining).

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



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

**3. Reimbursement Requirement.** PEI and FHOI grantees are required to reimburse the Federal government the amount of the grant from all financial settlements, conciliations, and agreements reached as a result of their use of FHIP funds. With prior approval from the HUD Government Technical Representative (GTR), grantees may choose to use the funds as program income to further fair housing activities rather than returning these funds to HUD.

**4. PEI and FHOI Limitations for Education & Outreach.** For PEI Multi-year and FHOI grantees, except FHOI Lending, there is a 20 percent cap on the dollar amount allowed for education and outreach related activities that can be funded in an enforcement award. For FHOI Lending grantees, there is a 30 percent limit on the dollar amount allowed for education and outreach related activities that can be funded in an enforcement award. If you exceed the limit, points will be deducted in the rating process and if awarded, funds will be adjusted to maintain the required limitation.

**5. Funding Preferences.** There is a cap on the number of awards that successful applicants may receive under this the FY 2014 awards. Applicants may only receive one EOI funding award and may not receive an FHOI award if they already receive PEI funding under the PEI Multi-year component. Applicants that do not receive a PEI Multi Year Component award may only receive one EOI funding award and a FHOI award.

## **F. Other Submission Requirements.**

### **Lead Based Paint Requirements**

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

## **V. Application Review Information**

### **A. Review Criteria.**

#### **A.1. Rating Factors.**

**A. Criteria for PEI, FHOI, and EOI Applications.** The criteria for rating and ranking applications, as well as the maximum points for each Rating Factor, are provided below. The maximum number of points awarded any application under the rating factors is 100.

**Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (up to 40 points).**

**For EOI, PEI and FHOI Applicants.** This factor addresses the extent to which the organization has the staff experience and organizational capacity necessary to successfully complete the proposed project by the end of the grant performance period. In rating this factor, HUD will consider the extent to which the applicant clearly addresses the following:

**(1) Description and expertise of staff (this includes staff of contractors and consultants) (up to 20 points for current FHIP grantees and up to 25 points for new applicants.)**

(a) The applicant must describe staff expertise to show that the applicant organization will have sufficient, qualified staff that will be available to complete the proposed activities. HUD recognizes that, in carrying out the proposed activities, the applicant may have persons already on staff, plan to hire additional staff, or will rely on contractors or consultants to perform specific tasks.

(b) The applicant must describe the organization staffing plan and the extent to which the applicant plans to add staff (employees) or contractors. If the application proposes using contractors, the applicant must provide a statement describing how the applicant will evaluate and provide oversight for each contractor.

(c) The applicant must identify each staff person(s) assigned to the proposed project by name and position, and the percentage of time that each will devote to the proposed project. This description must also identify the Project Manager for the proposed project, by name and title, and percentage of time that the individual will devote to the proposed project. The NOFA requires that Project Managers devote at least the following percentage of time to the proposed project as follows:

1. PEI and FHOI applicants only - 75 percent of time
2. EOI National Media applicants only - 50 percent of time
3. EOI General, Tester Training and Affirmatively Furthering Fair Housing applicants only - 25 percent of time

The applicant must also describe each staff person's fair housing related experience. Please do not include resumes. For proposed hires, the applicant must identify the position, percentage of time the proposed staff will devote to the project, and the position requirements including fair housing or other qualifications that will assist the organization in successfully completing the proposed project. For proposed consultants or contractors, the applicant must describe experience that contributes to the organization completing the proposed activities, including any fair housing related experience.

(d) The applicant must identify FY2011, FY2012 and FY2013 grant awards, identify if open or closed, and identify each staff person assigned to the previous projects, including staff name, position and percentage of time devoted to those project(s). Staff time and

effort under each Initiative/Component must be based on the applicant start date. Applicants who are applying for or currently have multiple open grants under the FHIP must describe how the applicant will manage, operate, and maintain activities, performance requirements and timetables for these multiple grants. Failure to provide this information will result in the applicant receiving reduced points under this sub-factor.

(e) For all applicants that propose fair housing training or information to the community, the applicant must describe staff expertise and experience for providing such training/information.

(f) For PEI and FHOI applicants only. In addition to the above requirements, if an applicant proposes complex testing, such as real estate sales, mortgage lending, or homeowners insurance, the applicant must demonstrate that the organization has available staff with the appropriate training, expertise and experience to conduct such tests or the applicant must propose a plan and budget (under Factor 3) for training and technical assistance.

**(2) Organizational Experience (up to 15 points).** The applicant must describe the organization's ability to complete the proposed project within the grant period and show the effectiveness of the project.

(a) In responding to this sub-factor, the applicant must show that the organization has conducted past project(s) similar in scope and complexity (whether FHIP funded or not) to the project proposed in the application or engaged in activities that, although not similar, are readily transferable to the proposed project.

(b) **Activities and Effectiveness.** For previous and current FHIP grantees, including PEI Pilot Program applicants, HUD will evaluate the applicant's past performance under completed and/or open HUD FHIP grants. For the Pilot program only, effectiveness under these previous grants will determine the level of funding the applicant may qualify.

All applicants, including those who want to be considered for the Pilot program should discuss the most recent of all of the HUD FHIP grants received through 2012, including the grant number, dollar amount awarded, the amount expended and obligated as of the date the application is submitted, and describe the applicant's activities and results (outcomes) achieved on that previous FHIP grant. In evaluating effectiveness under this factor for PEI and FHOI applicants, HUD will consider all systemic investigations undertaken, and how their outcomes impacted the targeted areas. In addition, effectiveness can be measured by how the applicant's community was enhanced by the applicant's activities. Also, HUD will give all GTR Final Performance Assessment Report Ratings to the TEP and reserves the right to deduct points from this rating score as a result of information obtained. The applicant's listing or chart describing activities and effectiveness does not count towards the ten (10)-page limit for Factor 1. All other Factor 1 requirements will count toward the ten (10)-page limit. For the Pilot Program only, effectiveness under these previous grants will determine the level of funding the applicant may qualify.

(c) Applicants must describe their organization's knowledge of and proximity to the targeted (service) area.

(d) PEI Multi-Year Component - In addition to the above requirements applicants must specify how FY2014 funds will include the capacity to conduct systemic investigations and specify how FY2014 funds will expand PEI FHIP funded activities or other fair housing enforcement activities toward increased systemic investigations of housing discrimination activities and their effectiveness.

(e) EOI Tester Training Component - In addition to the above requirements applicants must show that the applicant's organization has experience in testing and providing fair housing training experience. The applicant must also show that the applicant has experience in delivering information to groups with varying skill levels and have the capacity to handle the logistics of collecting fair housing information and completing reports from information collected.

(f) EOI National Media Campaign Component - In addition to the above requirements applicants must describe how the organization has significant experience in the field of housing discrimination representing groups of persons protected under Title VIII of the Civil Rights Act of 1968.

**(3) Performance on past project(s) - (up to 5 points for current grantees and 0 points for new applicants).** HUD will assess the organization's past performance in conducting activities relevant to the applicant's current application. In addition to first-time applicants and applicants that have never received a FHIP award, organizations that received FHIP funding for the first time in FY2012 or FY2013 are also considered new applicants. For current FHIP grantees' past performance will be assessed based on the applicant's most recent GTR Final Performance Assessment Report for FHIP received from the applicant HUD GTR.

- 5 points if the applicant received an "Excellent";
- 3 points if the applicant received a "Good"; and
- 1 point if the applicant received a "Fair"

If a prospective applicant received FHIP funds and received a rating of "Poor" for its most recent FHIP GTR Final Performance Assessment from its Government Technical Representative (GTR), its FY2014 FHIP application will be determined to be ineligible. An applicant that disagrees with its determination of ineligibility for the FY2014 competition because of a "Poor" performance rating must adequately address the factors resulting in the "Poor" performance rating to HUD's satisfaction before the FHIP application deadline date. If the "Poor" performance rating is not resolved to the Department's satisfaction before the application deadline date, the applicant is ineligible to apply for the FY2014 FHIP NOFA competition. HUD is interested in improving the performance of all grantees; therefore, applicants who are deemed ineligible because of a "Poor" performance rating may obtain and are encouraged to seek HUD technical assistance to improve their performance to be eligible for future NOFA competitions.

**A. For EOI National Media Campaign Applicants Only.**

This factor is an additional requirement to those listed above for EOI National Media Campaign applicants. The factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner, and the applicant's ability to develop and implement large information

campaign projects as appropriate on a national level as well as a regional/local level. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance (See Section III.C.3.h. of this NOFA), unless otherwise specified, will include any sub-contractors, consultants, sub-recipients that are firmly committed to the project. The applicant must describe staff experience in production of written materials relating to fair housing education and experience in public relations, including experience in production of materials in languages other than English and in alternative formats for us by persons with disabilities.

The applicant must show the ability to effectively develop, implement, make modifications as necessary, and manage an interactive online and offline media campaign on a national and regional/local scale or partner with an organization that has this capacity or that the applicant have comparable experience to undertake a national fair housing training program. If the applicant fails to meet this requirement, no points will be awarded under this factor. The applicant must also clearly demonstrate how the applicant organization represents groups of persons protected under Title VIII of the Civil Rights Act of 1968.

**B. For EOI Affirmatively Furthering Fair Housing Applicants.**

This is an additional requirement to those listed above. Applicants must show organizational and staff experience in identifying and developing strategies on the obligation to affirmatively further fair housing and in providing written materials and regional/local training to groups of people on issues related to affirmatively furthering fair housing, segregation and racial disparities or zoning barriers, citizen participation in Analysis of Impediments, or other critical AFFH activities. If an applicant fails to meet these requirements, no points will be awarded under this factor.

**Rating Factor 2**

**Maximum Points: 20**

**2. Rating Factor 2: Need/Distress/Extent of the Problem (up to 20 points)**

This factor addresses the extent to which there is a need for funding the proposed activities. The need(s) described must be relevant to the activities for which funds are being requested under factor (3).

**a. EOI (except National based program & Regional /Local Community based AFFH program), PEI and FHOI.**

**Need.** HUD studies have shown that funding FHIP agencies improves the quality of cases filed with HUD and FHAP agencies so much that cases referred or filed by a FHIP agency are twice as likely to result in a settlement or charge as all other cases. In addition, although the Fair Housing Act outlawed housing discrimination more than 43 years ago, housing discrimination of all types continues in communities throughout the nation.

**(1) Specific Need(s).** Describe the specific need(s) that will be addressed under this application. Applicants must show how the use of any other relevant information from various studies done by HUD or any other reliable source (Consolidated Plan, Analysis of

Impediments to Fair Housing Choice, statistics, etc.) are used to support need and impact to the proposed target area. Applicants should not submit copies of reports or supporting documentation in the application, but reference any reports, statistics or other data used by providing appropriate websites where the data or reports may be found. Additionally, the applicant should describe:

**(2) Continued Need.** Describe the continuation of the identified need. For example: Any potential imminent adverse consequences to persons in protected classes covered under the Fair Housing Act if not selected for funding; and

**(3) Link Between Need and Activities.** Describe the link between the need and your proposed activities. This should include:

**(a)** The presence of systemic housing discrimination, high segregation indices, or other evidence of discrimination prohibited by the Fair Housing Act within the project area.

**(b) For the Lending Discrimination Components ( FHOI),** applicants that are completing enforcement activities must specify how FY2014 funds will increase and extend the systemic housing discrimination investigations and show how the needs identified in the application will be impacted in the targeted areas.

**(c) For the PEI Multi-Year Component,** applicants must specify how FY2014 funds will expand activities towards increased systemic investigations of housing discrimination activities and outcomes

**(d) For the EOI Tester Training Component,** the applicant must discuss their understanding of the problems that have or could arise from not having a uniform testing method, and their ability to effectively address the problem. In addition, the applicant must be able to continue and enhance the technical assistance previously provided under the FHEO Transformational Initiative and the applicant must seek to improve the impact of the organization on effectively enforcing the Fair Housing Act. Further, in addition to addressing the need, applicants must address what is considered a successful impact and show how the technical assistance will assist HUD in obtaining its goals and sub-goals

**(e) All Applicants.** To receive maximum points for this factor there must be a direct relationship between the purpose of the program proposed for FHIP funding, the applicant's proposed activities, the fair housing needs of the community or communities, and how the applicant plans to address systemic discrimination in a way that meets those fair housing needs.

(1) Applicants must describe the urgency of the fair housing needs.

(2) Applicants must address the target area's impediments to fair housing choice, if applicable. Furthermore, applicants should address the need for language assistance services in languages other than English by describing the target population's language needs and actions which will make the applicant's activities available to meet those language needs.

**b. EOI National Media Component.** This factor addresses:

**(1) Documentation of Need.** Applicants should describe and document the specific

national fair housing needs that its proposed activities and methods are intended to address and explain why the applicant chose these needs. In addition, applications should demonstrate an understanding of the necessary mass media vehicles to disseminate information to address the need. Further, the applicant should show how the proposed project will be measured in relation to the need identified. Measurements may include impressions, but applicant should develop a tool to measure actual complaint movement in relation to the campaign's distribution. Documentation of need for regional/local levels may be addressed in relation to how other organizations on the regional/local level will utilize the campaign and how the campaign will be customized for their use.

The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the fair housing problem as an indication of ability to address the problem.

**(2) Approach.** In addition to development of the overall theme and concept, applicants should address how their campaign and the distribution of the campaign materials will affirmatively further fair housing and how that effort impacts the various targeted audiences as well as serve a national audience. In addition, applicant should show how its proposal offers the most effective approach for meeting that national need.

(3) To receive maximum points for this factor:

1. There must be a direct relationship between the purpose of the program proposed for FHIP funding, the applicant's proposed activities, the way in which applicant's proposal will address fair housing education needs at the national as well as regional/local level;
2. Applicant must describe how the organization will monitor and track the results of the national campaign; and

Applicant must address the need for language assistance services in languages other than English as part of meeting the need that has been identified by your application.

**c. For the EOI Regional/Local/Community based Affirmatively Furthering Fair Housing Technical Assistance Component.** If an applicant applies for the Affirmatively Furthering Fair Housing Technical Assistance Component, in addition, the application must show:

**(1) Unmet Need addressed by Technical Assistance.** Describe how the technical assistance will address an unmet need and an obligation to affirmatively further fair housing for participants and what outcomes you expect based upon the proposed need;

**(2) TA Implementation.** The application must describe how the services will assist the Department in meeting its stated goals and sub-goals. Applicants are reminded that they must provide effective communication for persons with disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 24 CFR Parts 8 & 9, and Title III of the Americans with Disabilities Act, for example, sign language interpreters, assistance in reading and completing forms, and materials that are available in large print or Braille. Additionally, applicants must also take reasonable steps to provide meaningful program access to persons with Limited English Proficiency

(LEP), such as providing materials in languages other than English.

To receive the full 20 points for this factor there must be a direct relationship between the purpose of the program proposed for FHIP funding, the proposed activities, and the affirmative furthering fair housing needs of the participants.

### Rating Factor 3

Maximum Points: 34

**3. Rating Factor 3: Soundness of Approach (up to 34 points).** This factor addresses the soundness, quality, and effectiveness of the proposed work plan and the commitment of the applicant to sustain the proposed project activities. Points are awarded under this factor for the quality of the approach or method used to implement the activities proposed in relation to the need(s) identified in factor (2). For each policy priority the applicant must discuss the relationship of the organization's proposed activities to HUD's Strategic Goals and sub-goals. For the PEI – Multi-year component, if the applicant addressed HUD's Strategic Goals and sub-goals in its FY2013 application, the applicant must show how those activities will continue with these funds and include or expand the organization's work to support systemic investigations. The applicant must assure that the project addresses performance measures/outcomes in support of these goals and provide a SOW and budget to establish a numerical baseline and targets for those measures. If applicants addressed specific policy priorities or strategic goals in the FY2013 application which was funded but feel there is a need to change strategies for FY2014, the goal may be switched, but the new goal must still be consistent with the development of systemic investigations. In addition, the applicant must show how both goals will complement the organization's final objective and show how the impact will be effective in their community.

**a. NOFA Priorities (up to 2 points).** Please see Section A.2 of this NOFA, titled NOFA Priorities and refer to the General Section for additional information. For FY2014, this NOFA addresses one NOFA Priority, Affirmatively further fair housing (AFFH). Under the AFFH Priority, the Department determined four "applicability" categories:

1. Capital Investment
2. Planning
3. Counseling
4. Technical Assistance

Applicants should select a total of two activities from any of the applicability categories (detailed in Section A.2), to demonstrate the organization's AFFH efforts. The applicant may select two activities from one applicability category or one activity from different categories. Once the activities are selected, the applicant must describe the organization's AFFH efforts as outlined by Section A.2.

The NOFA priority points under A.2 will only be considered if the applicant meets or exceeds the NOFA threshold for funding (75 points).

**b. Proposed Statement of Work (SOW) and Information Requirements (up to 20**



**points).** This sub-factor does not count toward the ten (10)-page limit on the narrative of this rating factor. The sub-factor will be evaluated on the extent to which the applicant provides a clear detailed description of the proposed project activities. The outcomes and their results will be reported in the Quarterly Reports and at the end of the grant performance period.

Appendix A - Statement of Work. All applicants should see Appendix A for guidance on application SOW format. Applicants should use the format outlined in Appendix A as an example and guidance to describe the organization's specific SOW activities and tasks. Each applicant should complete a detailed SOW based on the specific enforcement and/or EOI activities proposed in the organization's application. PEI applicants who may qualify for the Pilot Program should identify on the SOW the tier which they qualify. This applies to Pilot Program applicants only.

**(1) All Applicants.** The Statement of Work (SOW) must describe in detail all proposed project activities and major tasks, team members/staff and partners as identified in Factor 1 who will be responsible and accountable for completing each major task, and the steps to complete the proposed activities required to successfully implement the proposed project.

**(2) Multi-Year Component Applicants.** In addition to the overall requirement for a detailed description of all proposed project activities and major tasks and measureable outcomes, applicants for the Multi-Year component must also identify in their SOW and budget activities the continuation of existing activities or expansion or creation of systemic investigation(s) based on prior 2013 PEI FHIP funded activities or other fair housing enforcement activities. In addition, at a minimum the SOW for Multi-Year component applicants should outline each proposed activity and outcome as identified in the PEI Pilot activity chart in accordance with the tier that they are applying. Applicants will also be required to submit a SOW and a separate budget for each actual year of the organization's activities. Funding for additional years beyond FY2014 is subject to the availability of appropriations.

**(3) National Media Campaign Component Applicants.** Deliverables may include continuation of the collection of existing materials from previous media campaigns, webinars, development and dissemination of PowerPoint presentations, publicizing the availability of materials developed, and social media utilization for education. Deliverables may also include written educational materials such as customizable brochures on how the Fair Housing Act applies to landlords, Section 8 tenants, and others, fliers, and other fair housing material posters and other graphic materials such as bus or mall ads, videos or other educational and training material such as power points for identified audiences suitable for providing fair housing education on various topics. Graphic materials may include, but are not limited to, separately produced and printed posters or bus ads for national public dissemination, brochures and other written materials or ads or other outreach materials to be distributed to targeted audiences through social media that are designed to educate individuals, organizations and housing providers about the provisions of the Fair Housing Act. Newly developed materials must not be substantially similar to existing materials; where the existing materials are suitable (perhaps with minor edits, such as updated contact points or logos), they should be used

in order to maximize the use of grant resources. Products will be available in at least two (2) languages other than English and in alternative formats accessible to persons with disabilities. An applicant's proposed products may be modified by the GTR during the negotiation process based on the GTR and grantee's agreed maximum benefits to specific geographical areas, proposed targeted populations or other factors.

The applicant should plan to produce adequate number of printed and training materials for national distribution to a wide range of audiences. The application should specify the intended audiences of the educational material.

The applicant will be expected to develop a common theme for the materials which may be based on past national media campaigns, such as HUD's "Live Free", "Welcome Home" and "Fair Housing...It's the Law" themes, or a newly developed theme which addresses a broad fair housing message. Materials should be graphically connected to each other by color, image or text, and/or all three.

The proposed SOW should clearly identify the proposed activities, the specific deliverables and the anticipated outcomes.

**(4) For the State/Regional/Local Community Based Affirmatively Furthering Fair Housing Technical Assistance Component Only.** In addition to the requirements for applicants, applicants for the State/Regional/Local Community Based Affirmatively Furthering Fair Housing Training Component must create a web-based and live classroom training session(s) to educate CDBG entitlement jurisdictions, HOME Program or other supportive housing services and housing/economic development programs; affordable housing planners and/or developers; community development members; public housing authorities; affordable housing developers; housing counseling agencies or organizations involved in community development planning or economic development or planning for developments and fair housing organizations on Affirmatively Furthering Fair Housing issues and provide a plan for delivery of the training sessions and written material. Web-based training may be available using any number of media sources.

**(5) For the State/Regional/Local Community Based General Component.** In addition to the requirements for applicants, applicants for the Regional/Local Community Based General Component should look to a common theme in development of all fair housing materials. Materials may come from previous national fair housing ad campaigns that are customizable at the local level or other sources as determined by HUD.

**(6) For the Testing Training Component.** Points will be assigned based on: (1) the type of technical assistance you propose to undertake and how you plan to continue activities conducted previously; (2) your justification for this training; (3) the relevance of proposed activities to needs stated in Rating Factor 2, and (4) the attention given to implementation steps, the consistency of proposed activities with organizational expertise and capacity, and the consistency of the SOW and budget. At a minimum, proposed deliverables must include testing material, proposed site(s) to provide technical assistance, varying types of collaborative efforts, staffing plan and timelines, and the most successful method(s) for providing technical assistance on fair housing testing.

**1. Budget and Cost Estimates (up to 12 points).**

**For all applicants.** HUD will assess the soundness of the planned approach by evaluating the quality, thoroughness, necessity, cost effectiveness, and reasonableness of costs to carry out the project activities, as well as the appropriateness of budget allocations and rationality of the proposed budget and narrative. The budget information provided, which should include a Narrative Budget Work Plan, a HUD 424 CB, and 424 CBW Budget Worksheet will be evaluated based on whether the expenses are reasonable, thoroughly explained, supported, and appropriate to carry out the proposed project. You should also include a budget for all sub-contractors or sub-recipients.

(1) Your budget narrative and worksheet must relate to the tasks in the SOW, including identifying key team members/staff and partners, as identified in Factor 1 who will be responsible and accountable for completing major task, In addition, your budget narrative should include a description of the organization’s Financial Management Capacity. You must describe your organization’s financial management system and your Board’s role in financial management or oversight. Also, discuss your organization’s capabilities in handling financial resources, disseminating payments to third parties, e.g. contractors, and maintaining adequate accounting and internal control procedures. HUD will review the GTR Final Assessment Report as an indicator of how applicant managed funds, including but not limited to the ability to account for funding appropriately, timely use of funds received from HUD, meeting performance targets for completion of activities, timely submission of required progress reports; compliance with the program’s terms and condition, receipt of promised leveraged resources; and timely closeouts. In assuring financial management capacity, HUD reserves the right to request an assessment of your organization’s financial management system and your Board’s role in financial management or oversight. Please see the **General Section** (Section III.C.2).

(2) The Narrative Budget Work Plan and budget worksheet do not count towards the ten (10)-page limit on the narrative response to this rating factor. Failure to provide a written Narrative Budget Work Plan will result in 2 points being taken from your sub-factor 3.c. score.

(3) PEI- Multi-Year Applicants only. All applicants should prepare a budget based on the minimum award cap level. If an applicant is selected for the pilot and qualifies above the minimum tier level, the applicant will be required to present a revised budget consistent with the selected funding level during budget negotiations.

**Rating Factor 4**

**Maximum Points: 2**

**4. Rating Factor 4: Leveraging Resources/ Developing Partnership (up to 2 points).** This factor addresses the ability of the applicant to increase capacity by developing partnerships and securing resources that can be combined with HUD’s FHIP funds. It is HUD’s intent that these resources will assist the organization through this project in achieving its purpose and long-term commitment to the community after funds have

expired. To receive full points under this factor an applicant must have both internal resources (provided by the applicant) and external resources

**a. Firm Commitment of Leveraging or Collaboration.** HUD requires applicants to secure resources from sources other than what is requested under this FHIP NOFA. Leveraging of community resources may include funding or in-kind contributions, such as workspace or services of equipment, allocated to facilitate proposed project activities. Contributions or cash from the applicant, affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Cash or funds from an applicant's previously established investment account(s) may qualify as in-kind resources; however, support documentation must be provided. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private nonprofit organizations, faith based organizations, for profit or civic private organizations, or other entities' planned contributions. In order to obtain points for leveraging third party resources the application must provide signed letters of firm commitment or signed agreements/statements from the organizations and/or individuals that will provide financial or in-kind support for your project on the respective organization's letterhead. See the **General Section** for instructions on how third party documents are to be submitted to HUD via the electronic submission process.

**(1) For All Applicants.** Each letter of firm commitment or documents must:

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

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

If the resources are in-kind or donated goods, the firm commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. Do not include indirect costs as a part of any in-kind resources. In-kind leveraging contributions, as well as Program Income must comply with 24 CFR 84.23 and 84.24 requirements. Goods and services secured with FHIP funds cannot be used for any in-kind or donated services (for example, services of a current staff person on a FHIP funded project). If after award leveraged resources are subsequently withdrawn or modified from the approved amount, the Government Technical Representative may deem the grantee ineligible to receive any remaining FHIP funds under this award.

There will be no points awarded for general letters of support endorsing the project from

organizations, including elected officials at the local, State, or national levels, and/or individuals in your community. If your project is not supported by at least 10% of non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for each Initiative based on the following scale:

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

**Rating Factor 5**

**Maximum Points: 4**

**5. Rating Factor 5:**

**Achieving Results and Program Evaluation (4 Points)**

This factor reflects HUD’s goal to embrace high standards of management, accountability, and effectiveness. It measures the applicant’s commitment to assess their performance to achieve the projects’ proposed objectives and goals.

Based on the narrative statements (staff, proposed activities etc.) that the applicant provided in narrative in Factors 1 through 3, in evaluating this Factor, HUD will assess the extent to which the applicant demonstrates how results of the project will be measured consistent with activities outlined in the proposed Statement of Work. The applicant should outline its strategy for evaluating and improving (if necessary) the organization’s program performance against proposed activity goals during the grant period:

The applicant must describe –

1. Accountability – What strategies will be put into place to evaluate and assure that the organization’s project activities, staff and overall program management provide for cost effective practices to assist the Department in improving program outcomes, share lessons learned and provide others with best practices?
2. Effectiveness – What strategy or strategies will the organization utilize to measure its outputs and outcomes? This description should include but is not limited to describing:

- data collection/analysis methods to measure outputs and outcomes?
  - factors/indicators the organization will be used to determine if outcomes are successful, if possible improvements are necessary, etc.
  - Evidence the organization will use to determine project “success” to include quality, expected changes in attitudes, data to support success.
  - timelines for continuous evaluation and adjustments if necessary.
3. High Standards – What strategy will the organization use to assure improved accountability and transparency, and ensure efficient and effective program management.
  4. Applicants must also describe specific, actionable evidence that your proposed performance indicators (strategies) are likely to be implemented.

Points will be given to organizations that propose performance indicators that can be implemented and can provide evidence that the proposed project will continuously work toward being successful in meeting and exceeding stated performance indicators.

Applicants will be required to report outcomes and evidence of continued and final project success in quarterly and final performance reports, which may include but are not limited to: 1. positive customer experience, 2. efficient and effective administrative costs; 3. High ethical standards; 4. Overall positive community/target area changes; 5. Innovative strategies that contribute to cost effectiveness and other program improvements and success stories (outputs and outcomes).

### **A.2 Support of NOFA Priorities (up to 2 points).**

As described in the General Section, HUD encourages applicants for funding to undertake programs and projects consistent with the HUD’s NOFA Priorities. Applicants that undertake activities that result in achievement of specific NOFA Priorities listed below are eligible to receive "additional" points in the rating of their application. These are not additional bonus points, but points that contribute to the total overall factor score of 100 points. The NOFA Priority points are called "additional" points, since consistent with the General Section, the NOFA Priority points will be considered only if the application meet or exceeds the Program's minimum fundable score based on the rating factor of this NOFA.

As a reminder to all applicants, points are only provided NOFA Priorities if an applicant's score reaches 75 points. Please see the General Section for additional information.

### **A.2. NOFA Priorities.**

HUD encourages applicants for funding to undertake programs and projects that contribute to HUD's NOFA Priorities. Applicants that undertake activities that result in achievement of specific NOFA Priorities listed below are eligible to receive additional points in the rating of their application. These points will be considered only if the application meets or exceeds the Program's minimum fundable score based on the rating factors of this NOFA.

**Affirmatively Furthering Fair Housing (Capital Investment or as specified in Individual Program NOFA)**

**CRITERIA FOR “AFFIRMATIVELY FURTHERING FAIR HOUSING”**

- *Provide Housing for range of incomes/family sizes*
- *Provide Mobility Counseling*
- *Follow Location criteria (build affordable housing in non-minority or non-poverty concentrated areas)*
- *Train Staff*
- *Provide outreach to marginalized populations*
- *Partnerships with Fair Housing Organizations, Allied State and local agencies, or community-based organizations representative of populations affected by HUD projects.*

Applicants may receive one point for demonstrating any one of the following, with a maximum of 2 points awarded for this priority overall.

**A. Rehabilitation or Redevelopment:** (a) Applicants may earn 1 point for demonstrating that the rehabilitated or redeveloped project will include housing for a range of incomes and a range of family sizes that is proportional to the regional need, based on Census data and other generally accepted data sources. Applicants must include the specific plans for such housing, including the total number of units affordable for each income group, by bedroom size; and,

(a) Applicants may earn 1 point by presenting a plan for providing mobility counseling to each family that will be permanently displaced (i.e., relocation of more than 1 year) by the redevelopment/rehabilitation activities, and, for each such family, identifying at least one option for comparable housing opportunity that is located in an area that is not minority-concentrated or poverty-concentrated and has access to community assets, such as public transportation, employment opportunities, and, education.

**B. New Construction:** *Applicants may earn 2 points for demonstrating that the new affordable housing construction is located in a high opportunity area that is or will be served by public transportation that is not also in an area of minority concentration or poverty concentration. For the purpose of this requirement, an area of minority concentration is defined as a Census tract or other defined geographic area in which the percentage of residents who are racial or ethnic minorities is at least 20 percentage points higher than the percentage of minority residents in the metropolitan statistical area (MSA) (or jurisdiction not in a MSA) as a whole. In MSAs (or jurisdictions not in MSAs) in which the majority of residents are racial or ethnic minorities, HUD will consider and rely on all relevant information to determine whether the neighborhood proposed for replacement housing will lead to the creation of more inclusive and integrated housing in opportunity-rich neighborhoods. For the purpose of this requirement, an area of poverty*

*concentration is defined as census tract where the poverty rate is greater than 20 percent; and, by demonstrating that the newly-constructed project will include housing in a range of family sizes that is proportional to the regional need, based on Census data and other generally accepted data sources.*

**Affirmatively Furthering Fair Housing (Planning NOFA or as specified in Individual Program NOFA)**

**CRITERIA FOR “AFFIRMATIVELY FURTHERING FAIR HOUSING”**

- *Provide Housing for range of incomes/family sizes*
- *Provide Mobility Counseling*
- *Follow Location criteria (build affordable housing in non-minority or non-poverty concentrated areas)*
- *Train Staff*
- *Provide outreach to marginalized populations*
- *Partnerships with Fair Housing Organizations, Allied State and local agencies, or community-based organizations representative of populations affected by HUD projects.*

Applicants may receive one point for demonstrating any one of the following, with a maximum of 2 points awarded for this priority overall.

**A. Addressing Impediments to Fair Housing (1 point):** Applicants may earn 1 point by demonstrating that a primary goal of its planning activities will be addressing one or more impediments that contribute to patterns of residential segregations as identified in the jurisdiction’s or region’s Analysis of Impediments of Fair Housing Choice; and,

**B. Participative Planning and Implementation (1 point):** *Applicants may earn 1 NOFA priority point by identifying the steps that the applicant will take that will ensure that traditionally marginalized populations (such as racial and ethnic minorities and persons with disabilities) will be able to meaningfully participate in the planning process. To earn this point, the applicant must identify the specific populations that it will include, identify community organizations that represent these populations, and describe how these populations will be included in the planning process. For capital investment projects, grantees should commit to and demonstrate plans to employ low-income and very low-income persons and/or utilize Section 3 businesses at levels beyond those required by Section 3.*

**Affirmatively Furthering Fair Housing (Counseling NOFA or as specified in Individual Program NOFA)**

**CRITERIA FOR “AFFIRMATIVELY FURTHERING FAIR HOUSING”**

- *Provide Housing for range of incomes/family sizes*
- *Provide Mobility Counseling*
- *Follow Location criteria (build affordable housing in non-minority or non-poverty concentrated areas)*
- *Train Staff*



- *Provide outreach to marginalized populations*
- *Partnerships with Fair Housing Organizations, Allied State and local agencies, or community-based organizations representative of populations affected by HUD projects.*

Applicants may receive one point for demonstrating any one of the following, with a maximum of 2 points awarded for this priority overall.

**A. Staff Training (1 point):** Applicants may earn 1 point by demonstrating that they will train their staff on fair housing and civil rights laws, that they have a method of providing their clients with information about their fair housing rights, and that they have established a mechanism for referring potential fair housing violations to HUD, state or local fair housing agencies, or private fair housing groups. For example, an applicant may meet this requirement by demonstrating that it has entered into a memorandum of understanding with a fair housing enforcement agency that will provide them with fair housing training and informational materials and accept referrals of potential fair housing complaints; and,

**B. Mobility Counseling (1 point):** *Applicants may earn 1 point by describing how they will provide clients with mobility counseling and what information applicants will furnish to clients that will enhance their housing choice outside of areas of minority and poverty concentration.*

### **Affirmatively Furthering Fair Housing (Technical Assistance NOFA or as Specified in Individual Program NOFA)**

#### **CRITERIA FOR “AFFIRMATIVELY FURTHERING FAIR HOUSING”**

- *Provide Housing for range of incomes/family sizes*
- *Provide Mobility Counseling*
- *Follow Location criteria (build affordable housing in non-minority or non-poverty concentrated areas)*
- *Train Staff*
- *Provide outreach to marginalized populations*
- *Partnerships with Fair Housing Organizations, Allied State and local agencies, or community-based organizations representative of populations affected by HUD projects.*

Applicants may receive one point for demonstrating the following, with a maximum of 2 points awarded for this priority overall.

**A. Capacity to Provide TA in Civil Rights and Fair Housing Law:** Applicants may earn 1 point for demonstrating the applicant’s capacity (including, but not limited to, staff expertise or prior organizational experience offering civil rights and fair housing technical assistance) to provide, and plan to incorporate, technical assistance on civil rights and fair housing so that clients are better prepared to comply with the civil rights and fair housing laws applicable to the program. For example, if TA is being provided to homeless shelters, applicants should be able to articulate to a client that an admissions policy that excludes individuals from shelters based on actual or perceived sexual orientation or gender identity is impermissible; and,

**B. Partnerships with Fair Housing and Community-based Organizations:** Applicants may earn 1 point for partnering with any of the organizations listed below whose service area includes the area in which grant funds will be used, or for partnering with a community-based organization that is representative of the population affected by the project.

- *Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs);*
- *Agencies of State or local governments, public or private not-for-profit organizations or institutions, and other public or private entities that are representing groups of persons protected under Title VIII of the Civil Rights Act of 1968 or formulating or carrying out programs to prevent or eliminate discriminatory housing practices; and,*
- *Agencies that participate in the Fair Housing Assistance Program (FHAP).*

In order to earn the point, applicants shall submit a memorandum of understanding (MOU) between the applicant and the organization, or, a letter of commitment from the organization, which details the nature of the partnership, including but not limited to, the timeframe for the partnership and the activities that each organization will undertake.

*The nature and extent of the partnership is flexible and will vary depending on the specific funding opportunity. At a minimum, however, the MOU or letter of commitment must describe at least one way that the civil rights or fair housing organization will make a substantial contribution to the grant activities to help ensure that they are carried out in a manner that affirmatively furthers fair housing.*

### **A.3. Bonus Points**

This Program chooses not to award bonus points.

## **B. Reviews and Selection Process.**

### **A. Reviews and Selection Process.**

**1. Rating and Ranking.** Applicants may be funded under one of the following Initiatives or Components:

#### **a. Private Enforcement Initiative (PEI)**

(1) Multi-year Funding Component (PEI-MYFC);

#### **b. Education and Outreach Initiative (EOI)**

(1) Regional/Local/Community Based Program (EOI-R/L/C-B)

- General Component (EOI-GC);
- Tester Component (TC); and
- Affirmatively Furthering Fair Housing Component (EOI-AFFH)

(2) National-Based Programs

- National Media Campaign Component (EOI-NMCC)

#### **c. Fair Housing Organization Initiative (FHOI)**

- (1) Continued Development General Component (CDGC); and
- (2) Lending Discrimination Component (Lending).

**d. For all initiatives.** HUD will review all eligible applications and assign points based upon:

**(1) Narrative Responses.** Narrative responses to the Factors for Award and the accompanying materials specified, and

**(2) Ineligible Applications.** Ineligible applications will not be rated or ranked. The maximum number of points to be awarded for the Rating Factors is 100 plus a potential 2 bonus points for applicants working with communities that have received Preferred Sustainability Status under the FY2010 and FY2011 Sustainable Communities Regional Planning Grant Program and/or the FY2010 and the FY2011 HUD funded Challenge Grant Program (hereafter referred to as the Preferred Sustainability Status Communities).

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

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

**3. Adjustments to Funding.** As provided in the **General Section** (see section V), HUD may approve an application for an amount lower than the amount requested, fund only portions of the application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to the grant agreement, in accordance with 24 CFR 84.14, the requirements of the **General Section**, or where:

- a. HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
- b. An ineligible activity is proposed in an otherwise eligible project;
- c. Insufficient funding amounts remain to award the full amount requested in the application, and HUD determines that partial funding is a viable option;
- d. The past record of key personnel warrants special conditions; or,
- e. Training funds are not reserved for FHIP training.

**4. Reallocation of Funds.** After all applications within funding range have been selected or obligations are completed in an Initiative if funds are still available, the Selecting Official or designee will have the discretion to reallocate those remaining funds in rank order among Initiatives as follows:

**a. PEI** – Any remaining funds from any component will be reallocated first within that Initiative, if after reallocating funds within the Initiative; and funds still remain, they shall be reallocated to EOI.

**b. EOI** – Any remaining funds from any component will be reallocated first within that Initiative; if after reallocating funds within the Initiative; and left over funds remain, they shall be reallocated to PEI;

1. **FHOI** – Any remaining funds from any component will be reallocated first within that initiative. If after reallocating funds within that Initiative; funds still remain, they shall be reallocated to PEI.

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

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

HUD expects to announce the award of funds on 09-30-2014 and anticipates a start date of 12-01-2014.

## **VI. Award Administration Information.**

### **A. Award Notices.**

#### **1. Applicant Notification and Award Procedures.**

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

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

**c. Applicant Scores.** After awards are announced, applicants will receive a copy of their final score. HUD will not release the names of applicants or their scores to any third party. Applicants may secure a copy of a successful FHIP application for FY2013 at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/foia/highscore](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/foia/highscore) after all funding decisions are made. HUD's FOIA page has archived the highest rated application for FY2011 and before. FHIP will not conduct Debriefings, but will provide Technical Assistance (TA) to applicants who request TA. TA will consist of a review of areas where applicants may make modifications to strengthen their applications.

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

Certain Administrative and National Policy Requirements apply to all HUD programs, including this NOFA. For a complete list of these requirements, see Section VI.B. of the General Section.

**1. Environmental Requirements.** In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

**2. Procurement of Recovered Materials.** State agencies (FHAP agencies) and agencies of a political subdivision of a State that are using assistance under a HUD 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, as amended by the Resource Conservation and Recovery Act.

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

**4. Ensuring the Participation of Small Disadvantaged Businesses, and Women Owned Businesses.** (See **General Section** at section III.C.5.e.)

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

**6. Copyright Materials.** You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 24 CFR § 84.36.

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

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

under any other Federally assisted project.

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

**10. Corrections to Deficient Applications.** In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application, and will do so on a uniform basis for all applicants. HUD may not seek clarification of items or responses that improve the substantive quality of an applicant's response to any rating factors or which correct deficiencies which are in whole or part of a rating factor, including items that impact the Preferred Sustainable Communities Bonus Points. Applicants will have five business days from date of notification to submit the required documents to HUD. Applicants will be notified by fax and telephone about corrections to ensure notification. The applicants must submit the corrections by using the form HUD90611 found in their downloaded application to submit the technical cures to HUD. See the FY2014 **General Section** for further details.

**11. Federal Funding Accountability and Transparency Act.** As required by the Federal Funding Accountability and Transparency Act<sup>1</sup> ("Transparency Act" or "FFATA") and subsequent OMB guidance, information on the first-tier subawards related to Federal contracts and grants and the executive compensation of awardees must be made publicly available.

## **C. Reporting.**

Please refer to Section VI of the General Section for a description of the general reporting requirements applicable to this NOFA.

### **1. Quarterly Reporting.**

All grant recipients under this NOFA are required to submit quarterly reports which should identify their program's output and outcome achievements.

**2. Race and Ethnicity Reporting.** HUD requires that funded recipients collect racial and ethnic beneficiary data. The Department has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on [www.HUDclips.org](http://www.HUDclips.org). Also, quarterly and as your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

### **3. Transparency Act Reporting**

**(1) Recipient Reporting to Meet the Requirements of the Federal Funding Accountability and Transparency Act of 2006, as amended.**

**(a) Prime Grant Awardee Reporting.** Prime recipients of HUD financial assistance are required to report certain subawards in the federal governmentwide website [www.frs.gov](http://www.frs.gov)

or its successor system.

Starting with awards made October 1, 2010 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, if:

- (1) The initial prime grant award is \$25,000 or greater, or the cumulative prime grant award will be \$25,000 or greater if funded incrementally as directed by HUD in accordance with OMB guidance; and
- (2) The sub-award is \$25,000 or greater, or the cumulative subaward will be \$25,000 or greater. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the Central Contractor Registration (CCR) 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 Federal Financial Assistance Accountability and Transparency Act of 2006, as amended by section 6202 of Public Law 110-252, hereafter referred to as the "Transparency Act" and OMB Guidance issued to the Federal agencies on September 14, 2010 (75 FR 55669) and in OMB Policy guidance. The prime awardee will have until the end of the month plus one additional month after a subaward or pass-through award is obligated to fulfill the reporting requirement. Prime recipients are required to report the following information for applicable subawards. This information will be displayed on a public government website pursuant to the Transparency Act.
  - (i) Name of entity receiving award;
  - (ii) Amount of award
  - (iii) Funding agency;
  - (iv) North American Industry Classification System (NAICS) code for contracts/CFDA program for financial assistance awards;
  - (v) Program source;
  - (vi) Award title descriptive of the purpose of the funding action;
  - (vii) Location of the entity (including Congressional district);
  - (viii) Place of Performance (including Congressional district);
  - (ix) Unique identifier of the entity and its parent; and
  - (x) Total compensation and names of top five executives.

For the purposes of reporting into the FFATA Sub-award Reporting System (FSRS) reporting site, the unique identifier is the Dun and Bradstreet Universal Numbering System (DUNS) number the entity has obtained from Dun and Bradstreet, and for Prime awardees the DUNS number registered in the Central Contractor Registration as required by HUD regulation 24 CFR 5.1004.

**(b) Prime Grant Awardee Executive Compensation Reporting.** Prime awardees must also report in the governmentwide website the total compensation and names of the top five

executives in the prime awardee organization if:

(i) More than 80% of the annual gross revenues are from the Federal government, and those revenues are greater than \$25 million annually; and

(ii) Compensation information is not readily available through reporting to the Securities Exchange Commission (SEC.)

**(c) Subaward Executive Compensation Reporting.** Prime grant awardees must also report in the governmentwide website the total compensation and names of the top five executives in the subawardees if:

(i) More than 80% of the annual gross revenues are from the Federal government, and those revenues are greater than \$25 million annually; and

(ii) This required compensation information is not readily available through reporting to the Securities Exchange Commission (SEC.) For applicable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the Central Contractor Registration (CCR) system, the prime recipient is not required to report this information.

**(d) Transparency Act Reporting Exemptions.** The Transparency Act exempts any sub-awards less than \$25,000 made to individuals and any sub-awards less than \$25,000 made to an entity whose annual expenditures are less than \$300,000. Subawards with a cumulative total of \$25,000 or greater are subject to subaward reporting beginning the date the subaward total award amount reaches \$25,000. The Transparency Act also prohibits reporting of any classified information. Any other exemptions to the requirements must be approved by the Office of Management and Budget.

**NOTE:** For the purposes of FFATA reporting requirements, "prime grant awardee" or "prime grant award" or "grant award" includes awardees of, and awards for, capital advances for the Section 202 Housing for the Elderly and Section 811 Housing for Persons with Disabilities programs.

4. Compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), hereafter referred to as "Section 872" Section 872 requires the establishment of a governmentwide 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. OMB is in the process of issuing regulations regarding federal agency implementation of section 872 requirements. A technical correction to this General section may be issued when such regulations are promulgated.

HUD anticipates that the terms and conditions to its FY2012 awards will contain requirements related to meeting FFATA and Section 872 requirements.

## 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 should be directed to the point of contact listed below.

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

You may contact Myron P. Newry or Paula Stone of the Office of Fair Housing and Equal Opportunity's FHIP Division, at 202-402-7095, or 202-402-7054, respectively (these are not toll-free numbers). Persons with hearing or speech impairments may contact the Division by calling (800) 290-1617 (this is a toll-free number).

Questions concerning the General Section should be directed to the Office of Strategic Planning and Management, Grants Management and Oversight Division at (202) 708-0667 (this is not a toll-free number).

Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at (800) 877-8339.

Questions concerning the General Section should be directed to the Office of Strategic Planning and Management, Grants Management and Oversight Division at 202-708-0667 (this is not a toll-free number).

Persons with hearing or speech impairments may access these numbers via TTY by calling the toll-free Federal Relay Service at 800-877-8339.

## **VIII. Other Information.**

This NOFA provides funding under the Fair Housing Initiatives Program (FHIP) at 24 C.F.R. part 125, which does not contain environmental review provisions because it concerns activities that are listed in 24 C.F.R. 50.19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321)("NEPA"). Accordingly, under 24 C.F.R. 50.19(c)(5), this NOFA is categorically excluded from environmental review under NEPA.

Applicants may use the checklist below as a guide when preparing your application package.

Please refer to Section VIII in the General Section additional information required for preparing and submitting applications, including HUD's compliance with:

- The Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520);
- Executive Order 13132 which prohibits an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs not required by statute, or preempt state law, unless the relevant requirements of Section 6 of the executive order are met; and
- Sections 102 and 103 of the Department of Housing and Urban Development Reform Act of 1989.

**Appendix.**

**APPENDIX A - Statement of Work**

**Statement of Work for:**

The recipient, \_\_\_\_\_, agrees to undertake the following activities in accordance with its FY 2014 application for funding under the Initiative-- \_\_\_\_\_ Project (if applicable) for a \_\_\_\_\_-month project commencing \_\_\_\_\_, 2014 in the geographic area of \_\_\_\_\_. For EOI applicants: The following is a description of the applicant's referral process that will result in referral of fair housing complaints to HUD or Fair Housing Assistance Program (FHAP) substantially equivalent agencies: \_\_\_\_\_.

For PEI applicants only. This applicant's SOW activities support:

\_\_\_\_ Minimum Tier    \_\_\_\_ Standard Tier    \_\_\_\_ Proficient Tier    \_\_\_\_ Advanced Tier

ADMINISTRATIVE ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Assign staff to project	Submit assignment memo or other documentation assigning staff by name and number of hours to be spent on the project.	30 Days	GTR/GTM
2. Execute subcontract agreements (if any)	Submit draft contract for GTR approval. Submit copy of signed agreement.	30 Days	GTR/GTM

3. Submit evidence of compliance with 24 CFR 125.107 (if program activities include testing)	Submit copy of organization written conflict of interest policy, demonstrating 24 CFR 125.107 compliance including conflict of interest and other requirements.	TBD during negotiations	GTR/GTM
4. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change	Quarterly, when changes occur	GTR/GTM
5. Complete SF-LLL Disclosure of Lobbying Activities	Submit Updated Form. If no changes occur, submit statement of no change	Quarterly, when changes occur	
6. Quarterly Report of Performance	Submit (2) copies of quarterly report of performance. Include anticipated outcomes and progress towards achieving outcomes.	Quarterly	GTR/GTM
7. Complete SF-425 Financial Status Report and Written Quarterly Status Reports on All Activities	Submit (2) copies of SF-425 and Copy of Written Report	Quarterly	GTR/GTM
8. Voucher for Payment	Submit payment request to LOCCS	Per Payment Schedule	GTR/GTM
9. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements	Submit Listing for Recipient and any contractors	45 Days and At end of Grant	GTR/GTM
10. Prepare summary of First Year (36 month grants)	Submit summary of first year accomplishments.	395 days	GTR/GTM

<p>11. Prepare and Submit Draft of Final Report</p>	<p>Submit (2) Copies of Draft Final Report. Report summary should include objectives, accomplishments and results (outcomes). Complaint and testing activities should summarize data on complaints received and tests conducted by basis and issue and outcomes should include number of credible, legitimate complaints filed with HUD, State or local Fair Housing Agency, Department of Justice or Private Litigator; and Types of Relief/Results.</p>	<p>One month before end of grant term.</p>	<p>GTR/GTM</p>
<p>12. Complete Final Report and all Program Products produced under the grant (with CD/flash drive, where feasible) to HUD.</p>	<p>Submit 2 copies of the Final Report and All Final Products not previously submitted to GTR and GTM. Submit activities and database entry sheet(s) or detailed description of items to HUD.</p>	<p>Within 90 days after end of grant term.</p>	<p>GTR/GTM</p>

KEY PERSONNEL:

Title	Name
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<p>PROGRAM ACTIVITIES</p>	
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ACTIVITIES: (Sample Only - activities and tasks are based on an organization's individual proposed activities and tasks)	TASKS	SUBMITTED BY	SUBMITTED TO
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials	List of materials requested. Copy of final products.	90 days	GTR/GTM
2. Review/refine referral process to refer potential victims to HUD, DOJ, a state or local agency, or a private attorney	Copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM
3. Intake and process complaints, including testing and referral. Complete Enforcement Log which details complaints received; dates; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred; and resolution/type of relief sought and received. (PEI and FHOI PROJECTS ONLY)	Submit copy of Enforcement Log and a Report on number of enforcement proposals referred to HUD.	Quarterly	GTR/GTM
4. Submit Testing Methodology and tester training for review and approval.	Submit testing methodology and tester training to HUD for	60 days	GTR/GTM

	review and approval.		
5. Conduct ___ intake interviews	Submit Enforcement Log	Quarterly	GTR/GTM
6. Allegations received	Enforcement Log	Quarterly	GTR/GTM
7. Assist ___ clients requesting reasonable accommodations/modifications.		Quarterly	GTR/GTM

8. Conduct ___ systemic investigations initiated under the current grant; and conduct ___ systemic investigations initiated with other fair housing organizations.		Quarterly	
9. Recruit ___ testers	Recruitment announcement		GTR/GTM
10. Train ___ new fair housing testers	Number of testers who successfully completed training and practice test		GTR/GTM
11. Provide tester refresher training to ___ testers.	Number of testers trained		
12. Conduct ___ Rental test parts			GTR/GTM
13. Conduct ___ Accessibility Design/Construction test parts			GTR/GTM
14. Conduct ___ insurance test parts			GTR/GTM
15. Conducted ___ lending test parts			GTR/GTM
16. Train staff on fair housing	Number of hours spent in training		GTR/GTM

17. Conduct at least ___ trainings for landlords, lenders, insurers or real estate agents.			
18. Conduct at least ___ trainings for potential victims of discrimination.			
19. Make at least ___ referrals of non-fair housing issues.			
20. Evaluate at least __ potential complaints for enforcement.			
21. Distribute fair housing PSAs to ___ media outlets			GTR/GTM
22. Conduct ___ meetings with housing industry and/or government officials			GTR/GTM
23. Provide fair housing information to local/state officials on obligations to AFFH.			GTR/GTM
24. Develop partnership with local university (or others) to develop and execute innovative approaches for the creation of diverse communities.			GTR/GTM
25. Conduct __ fair housing month workshop for members of the protected classes and housing industry personnel.			GTR/GTM
26. Create Facebook and/or Twitter social media content calendar to promote fair housing awareness.			GTR/GTM

Appendix B - Pilot Program Tier System - Sample of "Other Activities"

<b>Sample "Other Activities" (applicant choice – select 5 proposed activities below or other activities of applicant choice)</b>			
Counseling for complaints by immigrants Complaints			
Counseling on discriminatory housing practices Households			

AFFH-Provide information to local/state zoning officials on obligations to AFFH and discriminatory impact of some legacy zoning standards				
Officials/Government Staffers AFFH-Provide information to local/state officials on obligations to AFFH and discriminatory impact of some legacy citing standards				
Officials/Government Staffers AFFH-Provide information to local/state officials on obligations to AFFH and discriminatory impact of some legacy residency requirement and local preference standards				
Officials/Government Staffers AFFH-Provide information to local/state officials on hate crimes related to housing issues				
AFFH-Analysis of housing patterns to determine discriminatory housing practices in jurisdictions AFFH-Mortgage Rescue Scam abuse/lending discrimination training/education				
AFFH-Outreach to landlords to inform them about the need to affirmatively further fair housing				
AFFH-Provide information to households on available affordable housing in jurisdictions which have open, diverse and equitable housing patterns and practices - Households				
AFFH-Promote opportunities for inclusive patterns of housing occupancy in jurisdictions served by the FHIP agency -Jurisdictions				



AFFH-Provide developers with information on universal design and visitability standards to increase the supply of affordable housing for persons with disabilities and the elderly				
Provide training to State and local government and partners to affirmatively further fair housing in the implementation of HUD's programs				
Capacity Building-Provide training to strengthen the capacity of nonprofit organizations to participate in State and local planning and decision making processes to ensure racially and economically diverse communities				
Capacity Building-Provide training to state and local officials to institute place-based strategies and grant making activities aimed at eliminating discriminatory practices				
Capacity Building-Disseminate best practices to increase knowledge of successful practices that resulted in more open and diverse communities				
Meetings/Conferences Capacity Building-Partnering with local universities and foundations or others to sponsor activities for creating and testing innovative approaches for the creation of diverse communities				