



U.S. Department of Housing and Urban Development

Community Planning and Development

Rural Capacity Building for Community Development and Affordable Housing Grants

FR-6000-N-08

Application Due Date: 09/13/2016

Rural Capacity Building for Community Development and Affordable Housing Grants

FR-6000-N-08

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U.S. Department of Housing and Urban Development

Program Office: Community Planning and Development
Funding Opportunity Title: Rural Capacity Building for Community Development and Affordable Housing Grants
Announcement Type: Initial
Funding Opportunity Number: FR-6000-N-08
Primary CFDA Number: 14.265
Due Date for Applications: 09/13/2016

For Further Information Contact: Please direct questions regarding the specific program requirements of this Program Notice of Funding Availability (NOFA) to the agency contact identified in Section VII. Please direct general questions regarding the FY2016 NOFAs to the Office of Strategic Planning and Management, Grants Management Division, at AskGMO@hud.gov. Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 1-800-877-8339.

Additional Overview Information

Incorporation of the General Section. HUD publishes a General Section each fiscal year that contains requirements for all applicants to HUD's various competitive grant programs, including this NOFA. Applications must meet all of the requirements of the General Section in addition to the requirements of this NOFA to be considered and potentially receive funding. The full title of the General Section is the General Section to HUD's Fiscal Year 2016 Notice[s] of Funding Availability for Discretionary Programs. Copies are available at Grants.gov or HUD's [Funds Available](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail) page, http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.

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

2. OMB Approval Number(s): 2506-0195

The Rural Capacity Building program and the funding made available through this NOFA are authorized by the Consolidated Appropriations Act, 2016 (Public Law 114-113, approved December 18, 2015).

I. Funding Opportunity Description.

A. Program Description.

1. Purpose.

HUD is making available through this NOFA \$5,000,000 for FY2016 Rural Capacity Building for Community Development and Affordable Housing Grants. Through funding of national organizations with expertise in rural housing and community development, the Rural Capacity Building program enhances the capacity and ability of rural housing development organizations, CDCs, CHDOs, local governments, and Indian Tribes to carry out community development and affordable housing activities that benefit low- and moderate-income families and persons in rural areas.

2. Changes from Previous NOFA.

The FY16 Rural Capacity Building for Affordable Housing program NOFA contains minimal material changes from FY2015. To increase your chance of success, please be sure to read this announcement fully and carefully.

3. Definitions.

a. Eligibility Requirements – Eligibility requirements are those requirements that must be met for an application to be eligible for funding. Deficiencies in meeting an eligibility requirement may be categorized as either curable or non-curable.

b. Threshold Requirement – Threshold requirements are a category of eligibility requirements. A threshold requirement is a requirement that must be met in order for an application to be reviewed. Threshold requirements are not curable.

Threshold requirements are listed in Section III.C.1 of this Program NOFA.

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

c. Deficiency – Deficiencies are not the same as errors. Errors are never curable except as permitted under Section IV.D.4. Deficiencies are items of missing or omitted information within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box, etc.). Depending on specific criteria, deficiencies may be either curable or non-curable.

d. Curable Deficiency – A curable deficiency is a specific type of deficiency that applicants may correct with timely action. To be curable the deficiency must:

- Not be a threshold requirement;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

e. Non-Curable Deficiency – An applicant cannot correct a non-curable deficiency after the submission deadline. Non-curable deficiencies are deficiencies that if corrected would change an applicant's score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application's score and final determination.

For the purposes of this grant opportunity the following definitions will also apply:

f. Community Development Corporation (CDC):

A CDC is a nonprofit organization that undertakes eligible Rural Capacity Building Program activities as defined in this NOFA. The CDC must be:

1. Organized under Federal, State or local law to engage in community development activities (which may include housing and economic development activities) primarily within an identified geographic area of operation;
2. Governed by a board of directors composed of community residents, business and civic leaders;
3. Have as its primary purpose the improvement of the physical, economic or social environment of its geographic area of operation by addressing one or more critical problems of the area, with particular attention to the needs of persons of low income;
4. Be neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization;

5. Have a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986 (26 CFR 1.501(c)(3)-1);
6. Have standards of financial accountability that conform to 2 CFR 200.302, “Financial Management” and 2 CFR 200.303, “Internal Controls”;
7. Not be an agency or instrumentality of a State or local government;
8. For urban areas, “community” may be a neighborhood or neighborhoods, town, village, county or multi-county area (but not the entire State or territory).

An organization that does not qualify under paragraph (1) through (8) may also be determined to qualify as an eligible entity if:

1. It is a Small Business Administration (SBA) approved Section 501 State Development Company, or an SBA Certified Section 503 Company under the Small Business Investment Act of 1958, as amended (P.L. 85-699), or
2. The recipient demonstrates to the satisfaction of HUD, through the provision of information regarding the organization’s charter and by-laws, that the organization is sufficiently similar in purpose, function, and scope to those entities qualifying under paragraphs (1) through (8) of this definition, or
3. It is a State or locally chartered organization; however, the State or local government may not have the right to appoint more than one-third of the membership of the organization’s governing body and no more than one-third of the board members may be public officials or employees of the State or local government entity chartering the organization. Board members appointed by the State or local government may not appoint the remaining two-thirds of the board members.

g. Community Housing Development Organization (CHDO): A CHDO is defined in the HOME Investment Partnerships Program regulation (HOME Program) at 24 CFR 92.2. The HOME Program is authorized by the HOME Investment Partnerships Act at title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. 12701 et seq.

h. Consortium: A consortium is defined as two or more private or public nonprofit organizations that collectively have the capacity and experience to carry out the proposed activities in the target geography. These organizations must enter into an agreement to submit a single application for Rural Capacity Building funding with one organization being designated as the lead entity. The lead entity must submit the application and, if selected for funding, execute the grant agreement with HUD. The lead entity assumes responsibility for the grant and is accountable for all consortium members’ performance and compliance with all program requirements. Where an application involves more than one applicant or co-applicant, each applicant or co-applicant must meet the threshold requirement outlined in the General Section.

i. Family: Family refers to the definition of “family” in 24CFR 5.403. Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- a. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- b. A group of persons residing together, and such group includes, but is not limited to:
 1. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 2. An elderly family;
 3. A near-elderly family;
 4. A disabled family;
 5. A displaced family; and
 6. The remaining member of a tenant family.

j. Household: Household means all the persons occupying a housing unit. The occupants may be a family as defined in 24 CFR 5.403; two or more families living together, or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived sexual orientation, gender identity, or marital status.

k. Low- and moderate-income household: Low- and moderate-income household means a household having an income equal to or less than the Section 8 low-income limit established by HUD, which means a household whose income does not exceed 80 percent of the Area Median Income (AMI).

l. Low- and moderate-income person: Low- and moderate-income person means a member of a family having an income equal to or less than the Section 8 low-income limit established by HUD, which means an individual whose income does not exceed 80 percent of the AMI. Unrelated individuals will be considered as one-person families for this purpose.

m. Low-income household: Low-income household means a household having an income equal to or less than the Section 8 very low-income limit established by HUD, which means a household whose income does not exceed 50 percent of the AMI.

n. Low-income person: Low-income person means a member of a family that has an income equal to or less than the Section 8 very low-income limit established by HUD, which means an individual whose income does not exceed 50 percent of the AMI. Unrelated individuals shall be considered as one-person families for this purpose.

o. National Organization: A national organization is defined as a non-profit entity or consortium that has continuous experience in rural housing, including experience working with rural housing development organizations (RHDO), community development corporations (CDCs), community housing development organizations (CHDOs), local governments, and Indian tribes, as evidenced by past and continuing work in one or more states in five or more of the Federal regions described on HUD's website at <http://portal.hud.gov/hudportal/HUD?src=/localoffices/regions>.

p. Rural Area: A rural area is a statistical geographic entity delineated by the Census Bureau that does not meet the definition of an urbanized area contained in the Office of Management and Budget's 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas, 75 FR 37252 (June 28, 2010) <http://www.gpo.gov/fdsys/pkg/FR-2010-06-28/pdf/2010-15605.pdf>. Current delineations can be found at <http://www.census.gov/population/metro/>.

B. Authority.

The Rural Capacity Building program and the funding made available through this NOFA are authorized by the Consolidated Appropriations Act, 2016 (Public Law 114-113, approved December 18, 2015).

II. Award Information.

A. Available Funds.

HUD is making available approximately **\$5,000,000** through this NOFA for Rural Capacity Building for Community Development and Affordable Housing Grants.

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

B. Number of Awards.

HUD expects to make approximately 5 awards from the funds available under this NOFA.

C. Minimum/Maximum Award Information.

Estimated Total Funding:	\$5,000,000
Minimum Award Amount:	\$500,000 Per Project Period
Maximum Award Amount:	\$2,500,000 Per Project Period

D. Period of Performance.

Estimated Project Start Date:	10/16/2016
Estimated Project End Date:	10/15/2020
Length of Project Periods:	48-month project with four 12-month budget periods
Length of Project Periods	
Explanation of Other:	

E. Type of Funding Instrument.

Funding Instrument Type: Grant

HUD will enter into a grant agreement with selected applicants for the period of performance.

III. Eligibility Information.

A. Eligible Applicants.

Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility:

HUD awards grants under this NOFA to national organizations. A national organization is defined as a non-profit entity or consortium that has on-going experience in rural housing, including experience working with rural housing development organizations, community development corporations (CDCs), community housing development organizations (CHDOs), local governments, and Indian tribes, as evidenced by past and continuing work in one or more states in five or more of the Federal regions described on HUD's website at <http://portal.hud.gov/hudportal/HUD?src=/localoffices/regions>.

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

As required in the Code of Federal Regulations (CFR) at 2 CFR 25.200 and 24 CFR Part 5 Subpart K, all applicants for financial assistance must have an active Data Universal Numbering System (DUNS) number (<http://fedgov.dnb.com/webform>) and have an active registration in the System for Award Management (SAM) (www.sam.gov) before submitting an application. Getting a DUNS number and completing SAM registration can take up to four weeks; therefore, applicants should start this process or check their status early.

See also Section IV.B for necessary form and content information.

B. Cost Sharing or Matching.

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

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

There is no match requirement under the Rural Capacity Building program. However, applicants who submit evidence of leveraging dollars under Rating Factor 4 will receive points according to the scale under that factor. The authorizing language for the Rural Capacity Building Program in the appropriation does not allow Federal sources to be used as leverage. All leverage funds, including in-kind contributions, shall conform to the requirements of 2 CFR Part 200.96.

C. Other.

All applicants must comply with the following requirements, which may determine whether your application is reviewed or make your application ineligible for funding. Eligibility criteria for this competition include:

1. Threshold Requirements.

Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated. See also Section I.A.3 Definitions.

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

b. Civil Rights Matters – Outstanding civil rights matters must be resolved prior to the application deadline.

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

(a) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;

(b) Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance pursuant to 42 U.S.C. 3614(a);

(c) Status as a defendant in any other lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, Title II of the Americans with Disabilities Act, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(d) Receipt of a letter of findings identifying systemic noncompliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or Title II of the Americans with Disabilities Act; or

(e) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

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

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

(b) Current compliance with a HUD-approved conciliation agreement signed by all the parties;

- (c) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- (d) Current compliance with a consent order or consent decree; or
- (e) Current compliance with a final judicial ruling or administrative ruling or decision.

In addition to the threshold criteria outlined in the General Section, the following threshold requirements must be met:

- c. Applicant Eligibility - Applicant must be a National Organization (as defined in III. A of this NOFA).

2. Statutory and Regulatory Requirements.

a. Compliance with Nondiscrimination and Related Requirements.

Compliance with Fair Housing and Civil Rights Laws.

Applicants and their prospective subrecipients 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 and Title III of the Americans with Disabilities Act of 1990; and Section 109 of the Housing and Community Development Act of 1974. Applicants, and their prospective subrecipients, who are conducting programs or activities within a state or local jurisdiction that has passed a law prohibiting discrimination in housing based upon sexual orientation or gender identity, or a law prohibiting discrimination in housing based on lawful source of income, must comply with the law(s) of the state or locality in which the program activities are conducted.

Affirmatively Furthering Fair Housing.

Section 808(e)(5) of the Fair Housing Act requires HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. Accordingly, HUD requires recipients of funds that are not specifically exempted to take affirmative steps to further fair housing. An applicant must discuss how it is going to carry out the proposed activities in a manner that affirmatively furthers fair housing in complete compliance with Section 808(e)(5) of the Fair Housing Act.

Consistent with the instructions in the Section III. C.3.b of the General Section, applicants must submit with their application a description of how their proposed activities will affirmatively further fair housing. In developing their plans, applicants shall review the Analyses of Impediments to fair housing choice in the jurisdictions in which the activities will take place. Examples of activities that may address impediments to fair housing choice include: (1) Affirmative fair housing marketing that targets persons least likely to apply for housing, including outreach to underserved population groups or advocacy organizations representing such persons; (2) Increasing accessible housing for persons with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 (29 USC § 794), the Fair Housing Act (42 USC § 3601 et seq.), and the Americans with Disabilities Act (42 USC § 12101 et seq.); (3) Planning new or rehabilitated housing in locations that provide greater housing choice and mobility opportunities for persons protected by the Fair Housing Act; (4) Providing language assistance services to persons with limited English proficiency; and (5) Addressing other impediments to fair housing choice identified in a jurisdiction's Consolidated Plan and Analysis of Impediments in coordination with local and regional non-profit community groups and governmental organizations. The proposed activities must address at least one of the following objectives: (1) help overcome any impediments to fair housing choice related to the assisted program or activity itself; (2) promote racially, ethnically, and socioeconomically diverse communities; or (3) promote housing-related opportunities that overcome the effects of past discrimination because of race, color, national origin, religion, sex, disability, and familial status.

(1) Accessible Housing and Other Facilities

Housing and other facilities constructed or rehabilitated using funds under this NOFA are subject to Federal accessibility requirements under Section 504 of the Rehabilitation Act, the Americans with

Disabilities Act, the Fair Housing Act, and the Architectural Barriers Act (P.L. 90-480), as applicable.

(2) Accessibility of Training Facilities. In the conduct of training and educational courses successful applicants must give priority to methods that provide physical access to individuals with disabilities, i.e., holding the training or any other type of meeting in an accessible location in accordance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act of 1990, 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.

(3) Effective Communications. Successful applicants must also ensure that notices of and communications during all training sessions and meetings are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24 CFR 8.6) and, as applicable, the Americans with Disabilities Act. This includes ensuring that training materials are in appropriate alternative formats as needed, e.g., Braille, audio, large type, sign language interpreters, and assistive listening devices. All products and tools for capacity building must be accessible in accordance with Section 504 of the Rehabilitation Act of 1973 (see, for example, 24 CFR 8.6, on effective communications).

(4) 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 the Department shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, the Department 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 www.justice.gov/crt/lep/guidance/HUD_guidanceJan07.pdf. For more information on LEP, please visit www.hud.gov/offices/fheo/lep.xml.

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

Recipients of assistance must comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 135. Section 3 requires recipients to ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities will be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low-and very low-income persons in the area in which the project is located. Applicants must describe in their applications their plans to train and employ Section 3 residents and contract with Section 3 business concerns in furtherance of the proposed activities. Applicants for funding under this program shall, by signing the application, certify compliance. Recipients of covered funding are required to comply with the requirements of 24 CFR Part 135, particularly subpart B-Economic Opportunities for Section 3 residents and Section 3 Business Concerns, and Subpart E-Reporting and Recordkeeping. HUD encourages recipients to consult the national Section 3 Business Registry. Applicants and grant recipients can search the database to find local Section 3 businesses that put a priority on hiring public housing or low-income residents. To learn more about HUD's Section 3 Business Registry or to search for a Section 3 business, visit:

www.hud.gov/sec3biz. Additional information on the requirements of Section 3 can be found at: www.hud.gov/offices/fheo/section3/section3.cfm. Program NOFAs to which Section 3 applies will have additional information here.

Section 3 of the Housing and Urban Development Act of 1968. Applicants, by signing, certify that the applicant and all subrecipients shall comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and HUD's implementing regulations at 24 CFR Part 135, which require recipients to ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities will be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns. Additional information regarding all Section 3 requirements can be found in Section III.C.3(c) of the General Section.

Applicants must also ensure that their subrecipients have a feasible Section 3 plan to direct new employment and contracting opportunities created during the expenditure of covered financial assistance to Section 3 residents and Section 3 business concerns, and that their subrecipients demonstrate compliance with the requirements of Section 3 by reporting their activities in the Section 3 Annual Summary Report (Form HUD-60002).

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 www.lep.gov/guidance/HUD_guidance_Jan07.pdf. For more information on LEP, please visit www.hud.gov/offices/fheo/promotingfh/lep.cfm.

Accessible Technology.

Section 508 of the Rehabilitation Act (Section 508) requires HUD to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allow persons with disabilities to access and use information and data on a comparable basis as is made available to and used by those without disabilities. Section 508 covers, but is not limited to, computers (hardware, software, word processing, email, and Internet sites), fax machines, copiers and telephones. Among other things, Section 508 requires that EIT allow individuals with disabilities who are federal employees or members of the public seeking information or services from a federal agency to have access to and use of information and data on a comparable basis as that made available to employees and members of the public without disabilities unless an undue burden would result to the federal department or agency. Where an undue burden exists to the federal department or agency, alternative means may be used to allow an individual with disabilities use of the information and data. Section 508 does not require that information services be provided at any location other than a location at which the information services are generally provided. HUD encourages its funding recipients to adopt the goals and objectives of Section 508 by ensuring, whenever EIT is used, that persons with disabilities have access to and use of the information and data made available through the EIT on a basis comparable as is made available to and used by persons without disabilities. This does not affect recipients' required compliance with Section 504 of the Rehabilitation Act and, where applicable, the Americans with Disabilities Act. Applicants and recipients seeking further information on accessible technology are directed to www.section508.gov.

b. HUD Agency Wide or Federal Government Wide Requirements.

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

- (a) A negotiated repayment schedule is established and the repayment schedule is not delinquent, or
- (b) Other arrangements satisfactory to HUD are made prior to the award of funds by HUD. If satisfactory arrangements cannot be completed within 90 days of notification of selection, HUD will not make an award

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

(2) Pre-Award Accounting System Survey – HUD will not award or disburse funds to applicants that do not have a financial management system that meets federal standards. HUD may arrange for a pre-award survey of any such financial management system for applicants selected for award who have not previously received federal financial assistance, where HUD Program officials have reason to question whether a financial management system meets federal financial management standards, or for applicants considered high risk based upon past performance or financial management findings.

(3) Debarments and/or Suspensions – In accordance with 2 CFR part 2424, no award of federal funds may be made to debarred or suspended applicants, or those proposed to be debarred or suspended from doing business with the Federal Government.

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

(5) Do Not Pay Website Review – As part of the Improper Payments Elimination and Recovery Improvement Act (IPERIA) of 2012, in making funding determinations HUD will look up applicant information on the Federal website <http://www.donotpay.treas.gov/>. The Do Not Pay Portal is intended to prevent improper payments and can be used by HUD to ensure that applicants that receive funding do not owe funds to the federal government; are not on the Excluded Parties List System (EPLS); the List of Excluded Individuals/Entities List (LEIE); the Social Security Administration (SSA) Death Master File (DMF); or other federal databases that would provide adverse information regarding the applicant. HUD reserves the right to:

- (a) Deny funding, or in the case of a renewal or continuing award, consider suspension or termination of an award immediately for cause,
- (b) Require the removal of any key individual from association with management or implementation of the award, and
- (c) Make appropriate provisions or revisions with respect to the method of payment or financial reporting requirements.

(6) Conducting Business in Accordance with Ethical Standards/Code of Conduct – Applicants are required to develop and maintain a written code of conduct in accordance with 2 CFR 200.112 and 200.318. Codes of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by officers, employees, or agents for their personal benefit in excess of minimal value; and outline administrative and disciplinary actions available to remedy violations of such standards.

Pursuant to applicable Federal and HUD regulations, applicants must disclose in writing any potential conflict of interest and all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Before entering into an agreement with HUD, applicants selected to receive funding under a Program NOFA must submit an up-to-date copy of their code of conduct. Applicants with codes already on file with HUD do not need to resubmit a new code unless the information on file has changed. New or updated submissions must be dated and signed by the Executive Director, or Chair, or equivalent official, of the governing body of the organization. Applicants must also describe the methods to be used to ensure that all officers, employees, and agents are aware of and have agreed to adhere to the code of conduct.

(7) Conflict of Interest of Consultants or Technical Experts Assisting HUD – Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2016 Program NOFAs are subject to 18 U.S.C. 208, the federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2016 Program NOFAs may not serve on a selection panel and may not serve as a technical advisor to HUD. Anyone involved in rating and ranking FY 2016 Program NOFA applications, including departmental staff, experts and consultants must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD’s Office of General Counsel Ethics Law Division the following information, if applicable:

(a) How the selection or non-selection of any applicant under a FY 2016 Program NOFA will affect the individual’s financial interests, as provided in 18 U.S.C. 208, or

(b) How the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502.

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding an FY 2016 program NOFA. Applicants with questions regarding these provisions or concerning a conflict of interest, please call the Office of General Counsel, Ethics Law Division, at (202) 708-3815 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service’s teletype service at 1-800-877-8339.

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

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

Under HUD’s regulations at 24 CFR 91.2(d), an applicant’s PHA Plan must include a certification by the appropriate state or local official that the PHA Plan is consistent with the applicable Consolidated Plan for the jurisdiction in which the PHA is located and must describe the manner in which the applicable contents of the PHA Plan are consistent with the Consolidated Plan. To the extent that a proposal funded under this NOFA is addressed or should be addressed in the PHA Plan, it must be certified to be consistent with the Consolidated Plan.

3. Program Specific Requirements.

a. Eligible Program Activities. Funds may be used to provide the following services:

- (1) Training, education, support, and advice to enhance the technical and administrative capabilities of rural housing development organizations, CDCs, CHDOs, local governments, and Indian tribes, including the capacity to participate in consolidated planning, as well as in fair housing planning and Continuum of Care homeless assistance efforts that help ensure community-wide participation in assessing area needs; consulting broadly within the community; cooperatively planning for the use of available resources in a comprehensive and holistic manner; and assisting in evaluating performance under these community efforts and in linking plans with neighboring communities in order to foster regional planning;
- (2) Loans, pass-through grants, development assistance, predevelopment assistance, or other financial assistance to rural housing organizations, CDCs, CHDOs, local governments, and Indian tribes to carry-out community development and affordable housing activities that benefit low-income or low- and moderate-income families and persons, including the acquisition, construction, or rehabilitation of housing for low-income or low- and moderate-income families and persons, and community and economic development activities that create jobs for low-income persons; and;
- (3) Such other activities as may be determined by the grantees in consultation with the Secretary or his or her designee.

b. Program Priorities. Activities undertaken as part of, or as a result of, capacity building efforts described in this section shall support the implementation of other HUD programs in rural areas, including, but not limited to, the Community Development Block Grant Program (CDBG), HOME Investment Partnerships, Housing Opportunities for Persons With AIDS (HOPWA), and the Continuum of Care program. Through the eligible activities of this NOFA, grantees are encouraged to build the capacity of entities in rural areas that lack designated rural housing development organizations, CDCs or CHDOs and to ensure that those entities gain new access or expand existing access to federal funding.

In addition, activities should support HUD's Strategic Goals and NOFA Priorities as described in Section I. of HUD's General Section to the NOFAs for Discretionary Programs.

4. Criteria for Beneficiaries.

This program has eligibility criteria for beneficiaries.

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:

- 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.

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>. Except for Continuum of Care applications, or unless an applicant received a waiver for good cause, all applications must be submitted electronically via Grants.gov. The Continuum of Care application is submitted through HUD's e-snaps system.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. For example, a lack of available Internet access in the geographic area in which the applicant's business offices are located. Applicants that cannot submit their applications electronically and must seek a waiver of the electronic grant submission requirements must submit a waiver request so that the request is received at least 15 days before the application deadline. If HUD waives the requirement, HUD must receive your paper application before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you should contact:

Office of Community Planning and Development

Email: CapacityBuilding@hud.gov

Office of Policy Development and Coordination

Washington, DC

B. Content and Form of Application Submission.

To ensure that the correct Application Package and Application Instructions are used, applicants must verify that the CFDA Number and CFDA Description on the first page of the Application Package downloaded from Grants.gov, as well as the Funding Opportunity Title, and the Funding Opportunity Number match the Program and NOFA to which they are applying. Applications will only be considered for the competition indicated in box 11, 12, and 13 on the SF-424 submitted in the application.

1. Content

Forms for your package include the forms outlined below:

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

A complete application under this NOFA must contain the information below. All forms required for application submission can be found in the application and instruction downloads on [Grants.gov](http://www.grants.gov/web/grants/forms.html) at <http://www.grants.gov/web/grants/forms.html>.

- 1. Page Limitation and Font Size.** Narratives addressing Factors 1 through 5 are limited to no more than 34 typed pages of single-spaced text based on an 8.5 by 11 inch paper, using a Times New Roman standard 12-point font. HUD will not review more than 34 pages for all five factors and NOFA policy priorities combined, except that the page limit does not include the form HUD-2995 in support of the Preferred Sustainable Communities Status Bonus points.
- 2. Prohibition on Materials Not Required.** Materials other than what is requested in this NOFA are prohibited. Reviewers will not consider resumes, charts, letters, or any other documents attached to the application, which are not specified in this NOFA.
- 3. Checklist for Application Submission.** The following checklist is provided as a guide to help ensure that applicants submit all required elements. All applicants should enter the applicant name, DUNS number, and page numbers on narrative pages of the application. The paper submission must be in the order provided below.

____ Application for Federal Assistance (form SF424) (Note: Applicants must enter the legal name of their organization in box 8.a. and DUNS number in box 8.c. of the SF424 as it appears in the System for Award Management (SAM).

- ___ Faith-Based EEO Survey (SF424 Supplement, Survey for Ensuring Equal Opportunity for Applicants);
- ___ Narrative addressing Factors 1 through 5;
- ___ Grant Application Detailed Budget (HUD-424-CB);
- ___ Applicant Assurances and Certification (HUD-424-B);
- ___ Disclosure of Lobbying Activities (SFLLL) (if applicable);
- ___ Applicant/Recipient Disclosure/Update Report (HUD2880);
- ___ Certification of Consistency with Sustainable Communities Planning and Implementation Form (HUD 2995);

2. Format and Form.

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

Applicants are advised to address the requirements of each Rating Factor in the corresponding narrative statements for that specific Rating Factor so that information is not missed during the review process. For additional submission requirements, please see the checklist above in Section IV.B.1.

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

1. SAM Registration Requirement.

Applicants must be registered with SAM before submitting their application. In addition, applicants must continue to maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by HUD.

2. DUNS Number Requirement.

Applicants must provide a valid DUNS number in their application. DUNS numbers may be obtained for free at <http://fedgov.dnb.com/webform>.

D. Application Submission Dates and Times.

The application deadline is 11:59:59 p.m. Eastern time on **09/13/2016**. Applications must be received no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form or you are applying for the Continuum of Care program. The Continuum of Care application is submitted through HUD's e-snaps system. Instructions for submitting your application to Grants.gov are contained within the Application Package you downloaded from Grants.gov. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

Your application must be both **received and validated** by Grants.gov. Your application is "received" when Grants.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, Grants.gov will not send your application to HUD, and HUD will not review your application.** If your status is “validated” your application will be forwarded to HUD by Grants.gov.

1. Amending or Resubmitting an Application.

Before the submission deadline, applicants who choose to amend an application that has been validated by Grants.gov may resubmit a revised application containing the new or changed material. The resubmitted application must be received by the applicable deadline.

2. Grace Period for Grants.gov Submissions.

If an application is received by Grants.gov before the deadline, but is rejected with errors, applicants have a grace period of 24 hours 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.

3. Late Applications.

An application received after the Program NOFA deadline date that does not meet the requirements of the grace period policy will be marked late, and will not be considered for funding.

4. Corrections to Deficient Applications.

Except as provided by the electronic submission grace period described in this notice, HUD may not consider any unsolicited information that applicants may want to provide after the application deadline. (Refer to 24 CFR part 4, subpart B.) In addition, 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 bonus points. HUD may contact the applicant to clarify other items in its application. In order not to unreasonably exclude applications from being rated and ranked in situations where there are curable deficiencies, HUD will notify applicants of each technical deficiency and will do so on a uniform basis.

If HUD finds a curable deficiency in an application, HUD will notify the applicant by email describing the clarification or technical deficiency. HUD will send an email to the person designated in item 8F of the SF424 and to the person listed as the authorized representative in item 21 of the SF424. Both email notifications will be sent from HUD with confirmation of delivery receipt requested. The email notifications will be the official notification of the need to cure a technical deficiency. It is the responsibility of applicants to provide accurate email addresses for receipt of these notifications and to monitor their email accounts to determine whether a cure letter has been received. The applicant must carefully review the request for cure of a technical deficiency and must provide the response in accordance with the instructions contained in the deficiency notification.

Clarifications or corrections of technical deficiencies must be received by HUD within the time limits specified in the notification. In no case shall the time allowed to correct deficiencies exceed 14 calendar days or be less than 48 hours from the date of the email notification. The start of the cure period will be the date stamp on the email HUD sends to the applicant. If the deficiency cure deadline date falls on a Saturday, Sunday, federal holiday, or other day when HUD’s Headquarters offices in Washington, DC, are closed, then the applicant’s correction must be received on the next day that is not a Saturday, Sunday, or federal holiday, or other day when the HUD’s Headquarters offices in Washington, DC, are closed.

Curable deficiency items must be submitted via email addressed to ApplicationSupport@hud.gov. When submitting technical deficiency cure items you must enter “Technical Cure” plus the Grants.gov application tracking number in the subject line of the email (e.g., Subject: Technical Cure - GRANT123456). If this

information is not included, HUD will not be able to match the response to the application under review and the application may therefore be rejected due to the deficiency.

Corrections to a paper application should be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application that contains the wrong DUNS number as having a technical deficiency. Failure to correct the deficiency and meet the requirement to have a DUNS number and active registration in SAM will render the application ineligible for funding.

E. Intergovernmental Review.

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

F. Funding Restrictions.

No fee or profit may be paid to any recipient or subrecipient of an award under this capacity building NOFA.

Indirect Cost Rate

Indirect Cost Rate: No restrictions, applicants may use their negotiated rate or the *de Minimis* rate (10% of Modified Total Direct Costs).

G. Other Submission Requirements.

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

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

2. Application Certifications and Assurances.

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

3. Lead Based Paint Requirements

Not Applicable

When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

4. Indirect Cost Rate (ICR)

If you are a governmental organization or agency that receives more than \$35 million in federal funding, you are required to request an Indirect Cost Rate from your cognizant agency (2 CFR 200 Appendix VII). If you have not requested an indirect cost rate or have not received a negotiated indirect cost rate, you may not claim indirect costs until you receive a negotiated rate.

Non-governmental organizations: If your organization has never had an indirect cost rate and wishes to use the *de minimis* rate, your application's budget narrative must clearly state you intend to use the *de minimis* 10% of Modified Total Direct Costs (MTDC). If you are using a negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and include a letter or other documentation from the cognizant agency showing the approved rate.

Governmental organizations: If your organization has a negotiated indirect cost rate, your application's budget narrative must include the rate and a letter or other documentation from the cognizant agency showing the negotiated rate. If your organization has prepared and maintains documentation supporting an indirect rate proposal but has not negotiated approval of the rate, your application's budget narrative must include the rate and applicable distribution base. State and local government departments that have never negotiated indirect cost rates with the Federal government and receive less than \$35 million in direct Federal funding per year may use the 10% *de minimis* indirect cost rate, and must keep the documentation of this decision on file. Federally recognized Indian tribes that have never negotiated an indirect cost rate with the Federal government may also use the 10% *de minimis* rate and must keep the documentation of this decision on file.

V. Application Review Information.

A. Review Criteria.

1. Rating Factors

Rating Criteria. The maximum number of points to be awarded for a rural capacity building application is 105, which includes points allocated for Rating Factors 1 through 5, three NOFA policy priority points and two bonus points. 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. Two bonus points will be awarded for working with communities that are Preferred Sustainability Status Communities and/or Promise Zones, as described in Section V.D.3 of the General Section. Priority and/or bonus 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. The minimum score for an application to be considered for funding is 75.

Points allocated for Rating Factors 1 through 5 are assigned based on applicant responses to those factors. When addressing Factors 2 through 5, applicants should discuss the activities that will be carried out with Rural Capacity Building funds during the term of the grant agreement. Submissions should provide recent (within the last four years) and relevant (relative to the proposed activities to be carried out with the funds for this award) examples to support the proposal, where appropriate. Submissions should also be specific when describing the communities, populations, and organizations that they propose to serve and the specific outcomes expected as a result of the activities.

Rating Factor 1 - Capacity of Applicant and Relevant Organizational Experience

Maximum Points: 25

Factor 1 relates to the capacity of the applicant and its relevant organizational experience. Rating of the “applicant” or the “applicant's organization and staff” includes in-house staff and any identified subcontractors and subrecipients firmly committed to the proposed project. In responding to Factor 1, applicants should specify the relevant experience, knowledge, skills, and abilities of the applicant’s organization and staff. Other than names and position titles, please do not use any Personally Identifiable Information (PII).

Experience (13 points) The applicant shall describe the scope of work it performs on a national basis, including geographical areas and populations served. This should include a description of its expertise in rural housing and community development, as it relates to the eligible activities of this NOFA. The applicant shall focus on describing successful recent (within the past 4 years) and relevant experience working with or advising each of the following beneficiaries in building their capacity to develop rural affordable housing, undertake rural community development activities, and participate in other HUD programs:

- Rural housing development organizations (RHDOs),
- CDCs,
- CHDOs,
- Local governments,
- Indian tribes

In rating this factor, HUD will consider how well the application describes successful recent and relevant experience of the applicant’s organization and staff in providing assistance to build the capacity of program beneficiaries, as demonstrated by (1) work in at least 5 out of the 10 HUD regions, (2) assistance to different types of program beneficiaries, (3) expertise in rural housing and rural community development, and (4) concurrently managing projects, with multiple entities, in more than one geographic location.

Capacity (12 points) The applicant shall demonstrate that there are experienced key personnel skilled in one or more of the eligible activities needed to provide capacity building in rural settings. In rating this factor, HUD will consider the extent to which the application demonstrates that the organization has an adequate structure and sufficient number of knowledgeable or experienced staff to successfully manage and/or deliver each of the program’s eligible activities, or a plan to recruit/procure individuals to fill specific roles, with the expert knowledge of capacity building for rural housing and community development providers.

Rating Factor 2: Need/Extent of the Problem

Maximum Points: 15

Applicants must use objective information and/or data from reliable sources to demonstrate (1) a sound understanding of the general high-priority needs of rural housing development organizations, CDCs, CHDOs, local governments and Indian tribes in rural settings and (2) a thorough understanding of the specific need for capacity building among the proposed beneficiaries of this application, in relation to the eligible activities and priorities identified in Section III.C. of this NOFA. In addition, applicants must demonstrate an understanding of the needs of areas identified as high-risk foreclosure areas, Colonias, Appalachia’s distressed counties, the lower Mississippi Delta region, or locally designated community development target areas.

In rating this factor, HUD will evaluate the extent to which the applicant has identified and documented, using objective information and/or data from reliable data sources to demonstrate, the following:

- (1) The general capacity building needs of rural affordable housing and rural community development providers;

- (2) Of those general needs identified above, which specific capacity building needs will be addressed by the proposed activities for the proposed beneficiaries of this application;
- (3) A clear understanding of the need and problems of any of the following underserved areas/populations that will be served by the proposed activities: high risk foreclosure areas, Colonias, Appalachia's distressed counties, the lower Mississippi Delta region, or locally-designated community development target areas;
- (4) An assessment of an unaddressed problem or unmet need in the rural communities that this application proposes to serve, including, but not limited to, the need to take action to overcome impediments to affirmatively further fair housing as described in Section III.C. 3. a. of this NOFA to the extent it applies to proposed activities;
- (5) The need to increase the capacity of the proposed beneficiaries of this application to administer other HUD programs such as the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons With AIDS Program (HOPWA), and HUD's homeless programs; and
- (6) The need and intention to build the capacity of organizations to be designated as rural housing development organizations, CDCs, or CHDOs in rural areas that lack designated organizations.

Rating Factor 3: Soundness of Approach

Maximum Points: 45

Factor 3 relates to the overall quality of the applicant's proposed approach to address the specific capacity building needs of rural housing organizations, CDCs, CHDOs, RHDOs, local governments and Indian tribes as described in response to Rating Factor 2. HUD will consider the connection between the specific identified capacity building needs, the priorities and eligible activities of this program, and the applicant's proposed activities, as well as the cost-effectiveness of those proposed activities.

a. Program Design (25 points) The applicant shall provide a sound approach for addressing the needs identified in Rating Factor 2, through eligible program activities for CDCs, CHDOs, RHDOs, local governments and Indian tribes. The approach shall incorporate the priorities identified in Section III.C.1 of this NOFA, to support the implementation of other HUD programs in rural areas. The approach shall include a feasible plan with a detailed description of how the applicant will design, organize, manage, and carry out the proposed eligible program activities. This factor should also include information that indicates the extent to which the applicant has coordinated or plans to coordinate (e.g., through memorandum of agreement, consortium agreement, or letters of participation) with other known organizations that are directly participating in the proposed work activities.

In rating this factor, HUD will evaluate the extent to which the application presents and supports a detailed and well-planned approach for conducting eligible program activities which address the capacity building needs of rural housing development organizations, CDCs, CHDOs, RHDOs, local governments and Indian tribes, as identified in Rating Factor 2 of this application. In this evaluation, HUD will consider the overall program design including goals, techniques, and beneficiary selection. HUD will evaluate the applicant's soundness of approach to organizing, managing, and carrying out the proposed activities. HUD will also evaluate the extent to which the application demonstrates a plan to ensure that Rural Capacity Building program beneficiaries will undertake activities consistent with the local Consolidated Plan and are aligned with local priorities. HUD will evaluate the extent to which the application demonstrates that the support provided will result in the ability of the organizations receiving capacity building assistance to commence work on specific housing, community, and/or economic development activities by the end of the performance period.

b. Support HUD Programs (10 points) Applicants shall demonstrate how the proposed approach to capacity building supports and magnifies the effects of other HUD programs in the communities

assisted through rural capacity building.

In rating this factor, HUD will evaluate the extent to which applicants connect the proposed activities of this award to specific strategies to support and magnify the impact of each of the following HUD programs:

- Community Development Block Grant (CDBG) Program,
- Indian Community Development Block Grant (ICDBG) Program,
- HOME Investment Partnerships Program,
- Housing Opportunities for Persons With AIDS (HOPWA) Program,
- Indian Housing Block Grant Program,
- Indian Housing Loan Guarantee Program,
- HUD's homeless programs and
- any other HUD programs.

Those strategies may include dollar amounts of other programs aimed to be leveraged, a targeted number of beneficiaries with designations and/or expanded capacity to administer these programs; or other specific strategies to support and magnify the impact of HUD programs.

c. Budget (9 points) Applicants shall also include a "Grant Application Detailed Budget" (HUD-424-CB), broken out by line item with the assumptions used to develop each line item described in the budget narrative. To the extent relevant to the budget, projected cost estimates from outside sources, including leverage, must be included in the budget and narrative.

In rating this factor, HUD will evaluate the extent to which the applicant provides a detailed budget (HUD-424-CB) and a budget narrative which is clearly connected to the proposed program design. HUD will also rate this factor based on the extent to which the narrative describes the rationale for proposed activities, describes the assumptions used in determining the budget estimates and demonstrates that activities will be cost-effective.

d. Section 3 (1 point) Applicants should describe how they will comply with Section 3 of the Housing and Urban Development Act and HUD's implementing rules at 24 CFR Part 135 to direct training, employment, contracting and other economic opportunities to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons. Additional information regarding all Section 3 requirements can be found in Section V.C.1.c of the General Section.

In this Rating Factor, HUD will evaluate the applicant's description of how Section 3 requirements will be accomplished by identifying the number of new jobs, contracts, training, and economic opportunities that applicable project activities will generate and an applicant's strategies for targeting Section 3 residents and businesses for such economic opportunities. Applicants that do not propose to conduct eligible activities that will produce Section 3 economic opportunities are not eligible to receive a point for this rating factor.

Factor 4: Leveraging Resources

Maximum Points: 5

Additional resources committed to assist the Rural Capacity Building program will achieve points for this rating factor. Resources may include cash or in-kind contributions of services, equipment, or supplies allocated to the proposed program from governmental entities, public or private organizations, or other entities. The applicant must support each source of contributions with a letter of commitment from the contributing entity, whether a public or private source. Such supporting documentation must be provided in the form of letters of firm commitment, memorandums of understanding, or other signed agreements from those entities. Each letter of commitment, memorandum of understanding, or agreement to participate must include the following:

- Organization's Name,

- Proposed value of the commitment,
- Responsibilities as they relate to your proposed program,
- Dated after the date of publication of this NOFA,
- Commitment must be on company letterhead, and
- Signed and dated by an official of the organization legally able to make commitments on behalf of the organization.

If the applicant does not provide letters from contributors specifying the details and amount of the actual contributions, those contributions will not be counted.

In rating this factor, HUD will evaluate the amount of leverage committed as a percentage of the requested grant amount. To achieve full points for this factor, the applicant will provide firm commitments equal to 20 percent or greater of the requested grant amount. Less than 20 percent commitment will receive fewer points. If there are no firm commitments, no points will be awarded for this factor. In the event that an application is funded for less than the requested amount, the calculated percentage of leverage in the application will be multiplied by the awarded amount to establish the amount of leverage that the grantee will be required to provide.

Rating Factor 5: Achieving Results and Program Evaluation

Maximum Points: 10

The applicant shall provide an effective plan to evaluate and quantifiably measure performance with project timelines, specific outputs and outcomes, and demonstrated improvements in capacity and other goals which address the needs identified in this application.

In rating this factor, HUD will evaluate the extent to which the application clearly describes an effective and detailed plan for evaluating the eligible activities proposed in Factor 3 of the application. The plan shall include a description of overarching project goals and timelines for achieving results, as well as specific planned outputs selected from the quantifiable measures below, or other quantifiable output or outcome measures proposed by the applicant, applicable to the activities proposed in Factor 3 including a basis for how the proposed measures will be computed. Selected measures should clearly demonstrate the improved skill, technical capability, and production of rural housing development organizations, CDCs, CHDOs, RHDOs, local governments and Indian tribes in undertaking community development activities.

General Outputs

- Number of individuals served
- Number of organizations served
- Number of CDCs/CHDOs, RHDOs, Tribes, and local governments served
- Number of states served
- Number of HUD Regions served

Policy Priorities

- Number of new CDCs, CHDOs or RHDOs created
- Number of organizations newly accessing or expanding Federal funding
- Value of new or expanded Federal funding received

Training and Education

- Number of engagements/trainings offered and number of attendees at each
- Number of web-based engagements/trainings offered and number of attendees at each
- Number of in-person engagements/trainings and number of attendees at each
- Number of individuals receiving financial assistance to attend training
- Value of financial assistance provided to individuals to attend training

- Number of participants earning or renewing a licensure or certification
- Number of peer-to-peer learning events and number of attendees at each

Other Capacity Building Efforts

- Number of community development projects supported
- Value invested into community development projects
- Number of community programs supported
- Value invested into community programs
- Number of new community partnerships developed
- Number of data portals/web resources created
- Number of data portal and web visits
- Number of publications/newsletters created

Direct Financial Assistance

- Number of grants awarded
- Value of grants awarded
- Number of loans approved
- Value of loans approved
- Number of other financial assistance events
- Value invested in other financial events

Housing and Economic Development

- Number of jobs created
- Number of jobs retained
- Number of housing units in the development process
- Number of new housing units created
- Number of housing units preserved, repaired, or rehabilitated
- Number of businesses assisted
- Number of businesses created

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 priority points in the rating of their application. These points will be awarded only if the application otherwise meets or exceeds the Program's minimum fundable score based on the rating factors of this NOFA.

Promote Economic Development and Economic Resilience (Capital Investment, Planning, and Research NOFAs or as specified in Individual Program NOFA)

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 priority points in the rating of their application. These points will be awarded only if the application otherwise meets or exceeds the Program's minimum fundable score based on the rating factors of this NOFA.

Community Economic Development: To receive 1 point under this objective, applicants must show how their proposed grant activities will build infrastructure within the target community to 1) support job creation for low income people; 2) support business opportunities for small and/or disadvantaged businesses; and/or 3) create a flow of investment of private or other public capital into a) small and disadvantaged businesses or b) nonprofit activities serving low income people; and/or 4) accomplish any combination of the above. Applicants must provide a substantive description of each activity and specific, measureable targets of

economic development impact, with a narrative supporting the estimate. For programs already subject to the requirements of Section 3 (see paragraph III.C.3.g of this NOFA), applicants must clearly explain how the proposed activities **exceed** the requirements of Section 3 to “ensure that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons (24 CFR 135.1).”

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

Capacity Building Activities Related to Housing: Applicants may earn 1 point for demonstrating that all capacity building activities related to the development or rehabilitation of housing will serve 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 supporting the development or rehabilitation of such housing, including the total number of units affordable for each income group and by bedroom size.

Increase Energy Efficiency and the Health and Safety of Homes (Capital Investment and Planning NOFAs or as Specified in Individual Program NOFA)

The applicant must demonstrate a high degree of technical expertise (through past performance or staff competencies) in capacity building activities related to increasing energy efficiency and the health and safety of homes. HUD will award 1 point to applicants that commit to encouraging and assisting RHDOs, CDCs, CHDOs, local governments and Indian tribes to complete comprehensive assessments of housing units for health and energy deficiencies and coordinate interventions across multiple disciplines. These interventions include lead hazard control, allergen reduction, mold and moisture remediation; or other measures designed to decrease symptom days, emergency treatment or inpatient hospital stays for asthmatic residents; decrease the numbers of safety related injuries taking place in the home; decrease the number of homes with residents who smoke or increase in the number of multifamily properties (privately owned unassisted or HUD-assisted housing, or public housing) where smoking is prohibited on the property; any other measurable outcome that demonstrates the positive health impact of comprehensive housing assessments, home/health focused education, integrated pest management techniques or other health related property improvements and/or property management practices.

Applicants must include a description of how outcomes will be measured throughout this process including measures to evaluate the effectiveness of training and outreach, reviews and recommendations from assisted RHDOs, CDCs, CHDOs, local governments and Indian tribes and procedures for measuring and documenting improvements in resident health, residential energy usage and access to job training/job opportunities for low-income residents. Specific measures of success or performance for this policy priority include the percentage of assisted RHDOs, CDCs, CHDOs, local governments and Indian tribes that successfully achieves expected outcomes.

Applicants should demonstrate how their health and energy programs will help RHDOs, CDCs, CHDOs, local governments and Indian tribes coordinate housing services across the housing, health and energy disciplines, including the use of common assessment tools, cross training of staff in multiple competencies, and standardization of intake forms and processes. For more information on mitigating housing-related health hazards, applicants should review HUD’s Healthy Homes Strategic Plan, http://www.hud.gov/offices/lead/library/hhi/hh_strategic_plan.pdf, and the CDC-HUD Healthy Housing Reference Manual, <http://www.cdc.gov/nceh/publications/books/housing/housing.htm>, or <http://www.hud.gov/offices/lead/library/hhi/HealthyHousingReferenceManual.pdf>.

Applicants should encourage RHDOs, CDCs, CHDOs, local governments and Indian tribes to coordinate the delivery of housing repair/rehabilitation with community, hospital or public health programs that utilize community health workers, Promotoras, health educators or others in similar positions to assess the indoor quality of home environments for conditions that may impact resident health for example, the coordination

of rehabilitation activities with programs that assess the home environments of asthmatic children for asthma triggers.

3. Bonus Points.

In support of certain inter-agency initiatives, HUD awards bonus points to projects where the preponderance of work will occur in a designated zone, community or region. **These points will be awarded only if the application otherwise meets or exceeds the Program's minimum fundable score based on the rating factors of this NOFA.**

HUD encourages activities in communities with Preferred Sustainability Status (PSS) and/or Promise Zones (PZ), HUD will award two (2) points for qualified activities within a designated zone or area and supporting either or both initiative(s). In no case will HUD award more than two bonus points for these activities.

a. To receive **Preferred Sustainability Status Communities Bonus Points**, applicants must submit form HUD2995, Certification of Consistency with Sustainable Communities Planning and Implementation, signed by the designated Preferred Sustainability Status Community point of contact. Designated PSS Communities Points of Contacts can be found on HUD's website at [http:// portal.hud.gov/ hudportal/ HUD?src=/ program_offices/ administration/ grants/ nofa11/ psscontacts](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/nofa11/psscontacts).

b. To receive **Promise Zones Bonus Points**, applicants must submit form HUD 50153, Certification of Consistency with Promise Zone Goals and Implementation, signed by the Promise Zone Official authorized to certify the project meets the criteria to receive bonus points. To view the list of designated Promise Zones and persons authorized to certify, please go to [https:// www.hudexchange .info/ promise-zones/ promise-zones- designees/](https://www.hudexchange.info/promise-zones/promise-zones-designees/).

B. Reviews and Selection Process.

1. Past Performance

In evaluating applications for funding HUD will take into account an applicant's past performance in managing funds, including, but not limited to: the ability to account for funds appropriately; the timely use of funds received from HUD or other federal, state, or local programs; the timely submission and quality of reports submitted to HUD; meeting program requirements; meeting performance targets as established in Logic Models or other performance evaluation tools approved as part of the grant agreement; the timelines for completion of activities and receipt of promised matching or leveraged funds; and the number of persons to be served or targeted for assistance. Before making a Federal award, HUD is required by 31 U.S.C. 3321 and 41 U.S.C. 2313 note to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), Dun and Bradstreet, and "Do Not Pay." HUD may consider other public sources such as newspapers, Inspector General or Government Accountability Office reports or findings, or hotline or other complaints that have been proven to have merit. In evaluating past performance, HUD may deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program NOFAs. Each Program NOFA will specify how past performance will be rated.

2. Integrity

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

a. Review Types. Two types of reviews will be conducted. First, HUD will review each application to determine whether it meets threshold eligibility requirements. Second, HUD will review and assign scores to eligible applications using the Rating Factors noted under Section V.A. During the second review, where applicable, NOFA Policy Priority points and/or bonus points will be added to applications that are assigned scores at or above the Program's minimum fundable score based on the rating factors of this NOFA.

b. Threshold Eligibility Requirements. All applicants must be in compliance with the threshold requirements found in the General Section and the eligibility requirements listed in Section III of this NOFA and must be received by the deadline (see Section III.C. of the General Section) in order to be reviewed, scored, and ranked. Applications that do not meet these requirements will be considered ineligible for funding.

c. Rating. HUD will rate all eligible applications that meet the Threshold Requirements against the criteria in Rating Factors 1 through 5 and assign a rating score. The maximum total rating score for the five Rating Factors is 100 points. An applicant can receive three additional points by responding to the NOFA Policy Priorities. HUD will also award two bonus points to applicants that meet the Preferred Sustainable Status (PSS) Communities and/or Promise Zone criteria. An applicant can receive a possible total of 105 points which includes Rating Factors 1 through 5, NOFA Policy Priorities and PSS Communities/Promise Zone Bonus Points.

d. Minimum Rating Score. Applicants must receive a total rating score of 75 points or more for Rating Factors 1 through 5 (without the addition of the NOFA Policy Priorities points and PSS Communities/Promise Zone bonus points) to be eligible for funding. HUD will reject any application that does not meet the minimum rating score requirements.

e. Ranked Order. After adding any NOFA Policy Priorities points and PSS Communities/Promise Zones bonus points, HUD will place eligible applications that meet the minimum rating score requirements in ranked order. Applicants within the fundable range of 75 or more points will be funded in ranked order up to the amount requested or in a lesser amount if sufficient funds are not available. HUD reserves the right to adjust funding to meet urgent policy priorities.

C. Anticipated Announcement and Award Dates.

Anticipated announcement date: 9/9/16

Anticipated award date: 9/16/16

VI. Award Administration Information.

A. Award Notices.

Following the evaluation process HUD will notify successful applicants of their selection for funding. HUD will also notify all other applicants, whose applications were received by the deadline, that have not been chosen for award. Notifications will be sent by email, delivery receipt requested, to the person designated in item 8F of the SF424 and to the person listed as authorized representative in item 21 of the SF424.

HUD will send written notifications to both successful and unsuccessful applicants. A notification sent to a successful applicant is not an authorization to begin performance or to incur costs.

After selection for funding and execution of a grant agreement, each grantee will submit to HUD a specific work plan and budget for each community it proposes to serve, showing when and how the federal funds and leveraging funds will be used. The work plan, including budget and leverage information, must be sufficiently detailed, for monitoring purposes and must identify the performance goals and objectives to be achieved. HUD will approve the work plan or notify the grantee of matters that need to be addressed prior to approval. Work plans may be developed for less than the full dollar amount and term of the award, but no

HUD-funded costs may be incurred for any activity until the work plan is approved by HUD. All activities are also subject to the environmental requirements in Section VI.B. of this notice.

Consistent with Section V.C.15 of the General Section and 2 CFR 200.112 and 200.318, after selection, but prior to award, applicants selected for funding will be required to provide HUD with an up-to-date copy of their written Code of Conduct. An applicant who previously submitted an application and included a copy of its code of conduct will not be required to submit another copy if the applicant is listed on <http://www.hud.gov/offices/adm/grants/codeofconduct/cconduct.cfm> and the information on file has not been revised.

B. Administrative, National and Department Policy Requirements.

For this NOFA, the following requirements apply:

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

HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in the direct contracting and contracting opportunities generated by HUD's financial assistance. State, local, and Indian tribal governments are required by 24 CFR 85.36(e) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women-owned business enterprises, and labor surplus area firms are used whenever possible or as specified in the Program NOFAs. Nonprofit recipients of assistance (grantees and subgrantees) are required by 24 CFR 84.44(b) to make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible.

Environmental Review.

Individual project sites to be funded by awards under this NOFA may not be known at the time the individual grant agreements are awarded and also may not be known when some of the individual subgrants are made. Selection for funding does not constitute approval of individual project sites. After selection for funding, HUD will perform an environmental review of individual sites in accordance with 24 CFR Part 50, as applicable, when the sites are identified. Therefore, in accordance with 24 CFR 50.3(h), the application shall contain assurances to HUD that the applicant agrees to assist HUD to comply with 24 CFR Part 50, and will: 1) supply HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR Part 50; 2) carry out mitigating measures required by HUD or select alternate eligible property; and 3) not acquire, rehabilitate, convert, lease, repair, demolish or construct property, nor commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received.

Equal Access to HUD-assisted or HUD-insured Housing.

HUD is committed to ensuring that its housing programs are open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status. HUD funding recipients and subrecipients must comply with 24 CFR 5.105(a)(2) in connection with determining eligibility for housing assisted with HUD funds or subject to an FHA-insured mortgage, and in connection with making such housing available. This includes making eligibility determinations and making housing available regardless of actual or perceived sexual orientation, gender identity, or marital status, and prohibiting inquiries about sexual orientation or gender identity for the purpose of making eligibility determinations or making housing available. Applicants are encouraged to become familiar with these requirements, HUD's definitions of sexual orientation and gender identity at 24 CFR 5.100, clarifications to HUD's definition of family at 24 CFR 5.403, and other regulatory changes made through HUD's Equal Access Rule, published in the Federal Register at 77 FR 5662 (Feb. 3, 2012).

Equal Protection for Faith-based and Community Organizations.

Executive Order 13279, “Equal Protection of the Laws for Faith-based and Community Organizations,” and Executive Order 13559, “Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Partnerships.” Faith-based organizations are eligible to participate in HUD’s programs and activities on the same basis as any other organization. HUD’s regulation on the equal participation of faith-based organizations, consistent with Executive Order 13279, is at 24 CFR 5.109. Additionally, several HUD programs, particularly programs administered by the Office of Community Planning and Development, are subject to program-specific rules. The rule at 24 CFR 5.109 provides, among other things, that religious organizations may not engage in inherently religious activities as part of a HUD-funded program or activity; a religious organization that participates in a HUD-funded program or activity may retain its independence and continue to carry out its mission; and an organization that receives direct federal funds from HUD is not permitted to discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief in providing program assistance. Executive Order 13559 amended Executive Order 13279 to require additional protections for program beneficiaries. HUD is preparing a proposed rule that will amend its current regulations at 24 CFR 5.109 and elsewhere to implement the provisions of E.O. 13559 in accordance with the process set out in OMB Memorandum M-13-19. However, some program-specific rules have been amended to reflect the new provisions of E.O. 13559. Recipients and subrecipients of funds subject to those amended rules must comply with the new regulatory provisions.

Real Property Acquisition and Relocation.

Except as otherwise provided by federal statute, HUD-assisted programs or projects are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA) (42 U.S.C. 4601-4655), and the government-wide implementing regulations issued by the Federal Highway Administration at 49 CFR part 24. The Uniform Act applies to acquisitions of real property and displacements resulting from the acquisition, rehabilitation, or demolition of real property for Federal or federally-assisted programs or projects. With certain limited exceptions, real property acquisitions for programs or projects that receive federal financial assistance from HUD must comply with 49 CFR part 24, subpart B.

To be exempt from the URA’s acquisition requirements, real property acquisitions conducted without the threat or use of eminent domain, commonly referred to as “voluntary acquisitions,” must satisfy the applicable requirements of 49 CFR 24.101(b)(1) through (5). Records demonstrating compliance with these requirements must be maintained by the recipient. The URA's relocation requirements remain applicable to any tenant who is displaced by an acquisition that meets the requirements of 49 CFR 24.101(b) (1) through (5).

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

Additional resources and guidance pertaining to real property acquisition and relocation for HUD-funded programs and projects are available on HUD’s Real Estate Acquisition and Relocation website at www.hud.gov/relocation. Applicable laws and regulations, policy and guidance, publications, training

resources, and a listing of HUD contacts are also available for applicants who have questions or are in need of assistance.

Participation in a HUD-Sponsored Program Evaluation.

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

OMB Administrative Requirements and Cost Principles.

Unless excepted under 24 CFR chapters I through IX, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth in 2 CFR part 200, shall apply to Federal Awards made by the Department of Housing and Urban Development to non-Federal entities.

Drug-Free Workplace.

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

- a. Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.
- b. Establish an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The applicant's policy of maintaining a drug-free workplace;
 - (3) Available drug counseling, rehabilitation, or employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c. Notify HUD and other federal agencies providing funding in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification must be provided in writing to HUD's Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington DC 20410-3000, along with the following information:
 - (1) The program title and award number for each HUD award covered;
 - (2) The HUD staff contact name, telephone and fax numbers;
 - (3) A grantee contact name, telephone and fax numbers; and
 - (4) The convicted employee's position and title.
- d. Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (a) above and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:
 - (1) Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or
 - (2) Imposition of a requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- e. Identify to the agency making the award all known workplaces under the award. The workplace identification must include the actual address of buildings or other sites where work under the award will take place. The applicant must also inform the agency of any workplace changes during the performance of

the award. The identification of the workplaces must occur either:

- (1) At the time of application or upon award; or
- (2) In documents the applicant keeps on file in its offices during performance of the award, in which case the applicant must make the information available for inspection upon request by the agency.

C. Reporting.

1. Race and Ethnicity Data Reporting Form. HUD requires grantees that provide HUD-funded program benefits to individuals or families to report data on the race and ethnicity of those individuals receiving such benefits. Grantees that provide benefits to individuals during the period of performance, whether directly or through subrecipients or contractors, must report the data using the Race and Ethnic Data Reporting Form found on Grants.gov. The form is a data collection based on the standards published by OMB on August 13, 2002.

2. Grantees will be required to report to HUD, as specified in the grant agreement. Performance reports shall include reports on both performance and financial progress under work plans and shall include reports on the commitment and expenditure of private matching resources utilized through the end of the reporting period. Reports shall conform to the reporting requirements of 2 CFR Part 200 and HUD implementing regulations.

3. Additional information or increased frequency of reporting may be required by HUD at any time during the grant agreement, if HUD finds such reporting to be necessary for monitoring purposes or to comply with government-wide reporting requirements. Additional reporting requirements may be required by the General Section in conjunction with selected HUD NOFA policy priorities under Section V.A.2 of this NOFA.

4. To further the consultation process and share the results of progress to date, the Secretary may require grantees to present and discuss their performance reports at annual meetings in Washington, DC, during the life of the award.

5. The performance reports must contain the information required under 2 CFR Part 200 and HUD implementing regulations, including a comparison of actual accomplishments with the objectives and performance goals of the work plans. In the work plans, each grantee will identify performance goals and objectives or policy priorities established for each community in which it proposes to work and appropriate measurements under the work plan, such as the number of housing units and facilities each CDC or CHDO produces annually during the grant period and the average cost of such units. The performance reports will also include a discussion of the reasonableness of the unit costs, the reasons for slippage if established objectives and goals are not met, and additional pertinent information.

6. A final performance report, in the form described in paragraph (1) immediately above, shall be provided to HUD by each grantee within 90 days after the completion date of the award.

7. Federal Financial Reports (SF-425) shall be submitted semi-annually.

8. Transparency Act Reporting.

a. Recipient Reporting to Meet the Requirements of the Federal Financial Assistance Accountability and Transparency Act of 2006, as amended (P.L. 109-282).

(1) Prime Awardee Reporting. Prime recipients of HUD financial assistance are required to report subawards in the federal government-wide website www.fhrs.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, where both the initial award is \$25,000 or greater or the cumulative award will be \$25,000 or greater if funded incrementally as directed by HUD in accordance with 2 CFR Part 200. If subaward recipients' executive compensation

is reported through the System of Award Management (SAM), 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 2 CFR Part 200. 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 number for financial assistance awards;
- v. Program source (RCB and authorizing legislation);
- 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 SAM.

(2) Prime Grant Awardee Executive Compensation Reporting. Prime awardees must also report in the government-wide website the total compensation and names of the top five executives in the prime awardee organization if:

- (i) More than 80 percent 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.)

(3) Subaward Executive Compensation Reporting. Prime awardees must also report in the government-wide website the total compensation and names of the top five executives in the subawardees if:

- (i) More than 80 percent 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). If the subaward recipient’s executive compensation is reported through SAM, the prime recipient is not required to report the information again.

(4) 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” includes awardees of capital advances for the Section 202 Housing for the Elderly and Section 811 Housing for Persons with Disabilities programs.

9. 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 government-wide data system – the Federal Awardee Performance and Integrity Information System (FAPIIS) - to contain information related to the integrity and performance of entities awarded federal financial assistance and making use of the information by federal officials in making awards. OMB is in the process of issuing regulations regarding federal agency implementation of section 872 requirements. A technical correction to the General Section may be issued when such regulations are promulgated.

Please direct questions regarding specific reporting requirements to the point of contact listed in Section VII below.

D. Debriefing.

For a period of at least 120 days, beginning 30 days after the awards for a Program NOFA are publicly announced, HUD will provide to a requesting applicant a debriefing related to its application. A request for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF424 or by his or her successor in office, and be submitted to the person, organization, or email address identified as the contact under the section entitled Agency Contact(s) in the Program NOFA. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VII. Agency Contact(s).

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

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

CapacityBuilding@hud.gov

(202) 708-0667

CapacityBuilding@hud.gov

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

VIII. Other Information.

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

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

