

Legal Opinion: GCH-0035

Index: 2.7000
Subject: YSP Notice of Fund Availability

January 10, 1992

Mr. Phillip T. Harris
Director of Administration
Greensboro Housing Authority
450 North Church Street
P. O. Box 21287
Greensboro, NC 27420

Dear Mr. Harris:

This is in response to your December 10, 1991, letter to Robin Pritchard, of the Office of Resident Initiatives, concerning the 1991 Youth Sports Program (YSP) Notice of Fund Availability (NOFA), 56 FR 55584. It has been forwarded to this office for response.

Questions 1,2, and 3

Section I (3)(v)(E)(1) of the YSP fiscal year 1991 NOFA provides that:

Only that portion of staff salaries representing time that will be spent on new and additional duties directly involved with Youth Sports activities may qualify as funds from non-federal sources
(Emphasis added)

The term "staff" refers to the staff of an Indian housing authority (IHA) or a public housing agency (PHA). The term also refers to staff members of States, units of local governments, Indian tribes or staff of organizations providing private contributions.

With regard to the hypothetical case presented, the staff time devoted to the core program is not time spent on "new and additional duties" directly related to the Youth Sports Program, as required by statute and regulation to be considered funds from a non-Federal source. Thus, that time could not be used as a match in accordance with § (3)(v)(E)(1).

4. Under section III of the NOFA (Checklist of Application Submission Requirements) subsection (a)(2)(vi) provides that:

Each applicant for a grant under this program must include . . . certification that grant funds provided under this program and any state, tribal, or local funds used to supplement grant funds under this program will not be used to replace other public funds

previously used, or designated for use, for the purpose of this program.

The term "public funds" refers to any public funds and not just Federal funds. Thus, in addition to Federal funds, public funds includes, any funds from a State, county, municipality or other governmental or public body (or agency or instrumentality thereof).

5. For the purposes of the Youth Sports Program Community Development Block Grants are considered non-Federal sources.

6. You ask us to define the phrase "this program" as used in the Section III (a)(2)(vi). Section III (a)(2)(vi) provides that:

Each application for a grant under this program must include . . . a certification that grant funds provided under this program and any State, tribal, or local funds used to supplement grant funds under this program will not be used to replace other public funds previously used, or designated for use, for the purposes of this program.

Your question refers specifically to the phrase "other funds previously used, or designated for use, for the purpose of this program." You ask whether the phrase "this program" refers to "the specific program a PHA proposes to fund under the 1991 YSP, or does it mean any previously installed program which meets the YSP goal of providing sports/cultural programs"

The term refers to the specific program or activities a PHA proposes to fund under the 1991 Youth Sports Program. The purpose of the Youth Sports Program is to provide funding for activities not already provided by the applicant, its focus is on incremental increases in an applicant's activities. That increase may reflect the start up of a program or new and additional activities which complement and supplement a current program.

With regard to the hypothetical situation presented, the city's \$20,000 worth of salary devoted to running the core program could not be used for a match because the time is not being spent on "new and additional duties" related directly to Youth Sports activities. Note section I (3)(v)(E)(1), which provides that "only that portion of staff salaries representing time that will be spent on new and additional duties directly involved with Youth Sports activities may qualify as funds from a non-Federal source" and thus could be considered eligible for a match.

We hope the information provided is helpful.

Very sincerely yours,

Michael H. Reardon
Assistant General Counsel
Assisted Housing Division