



U.S. Department of Housing and Urban Development

Community Planning and Development

Capacity Building for Community Development and Affordable Housing Grants (Section 4)

FR-6100-N-07

Application Due Date: 09/06/2017

Capacity Building for Community Development and Affordable Housing Grants (Section 4)

FR-6100-N-07

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U.S. Department of Housing and Urban Development

Program Office:	Community Planning and Development
Funding Opportunity Title:	Capacity Building for Community Development and Affordable Housing Grants (Section 4)
Announcement Type:	Initial
Funding Opportunity Number:	FR-6100-N-07
Primary CFDA Number:	14.252
Due Date for Applications:	09/06/2017

Overview

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

Additional Overview Information

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

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

2. OMB Approval Number(s): 2500-0000

I. Funding Opportunity Description.

A. Program Description.

1. Purpose and Summary.

Through funding of national intermediaries, the Section 4 Capacity Building for Community Development and Affordable Housing program (Section 4) enhances the capacity and ability of Community Development Corporations (CDCs) and Community Housing Development Organizations (CHDOs) to carry out affordable housing and community development activities that benefit low- and moderate-income families and persons.

This NOFA makes \$35,000,000 available to carry out eligible activities related to community development and affordable housing projects and programs for the Section 4 Capacity Building Program of which at least \$5,000,000 shall be made available for rural capacity building activities.

2. Changes from Previous NOFA.

The Fiscal Year (FY) 2017 Section 4 Capacity Building program NOFA contains significant changes to the layout of the narrative section compared to the FY 2016 NOFA, predominantly characterized by the increase in clear language and presentation of specific expectations. The page limit for the narrative was increased from 34 pages to 36 pages. There are no programmatic changes in the FY 2017 NOFA, but it clarifies HUD's expectations of what information is required to evaluate each of the five factors. Specific changes include:

Factor 1 – Applicants are asked to specifically indicate experience with other HUD programs.

Factor 2 – There is added emphasis on stating the specific capacity building needs of CDCs and CHDOs, and clarification of the type of acceptable data sources.

Factor 3 – Applicants are required to include a project implementation schedule for the grant period, identify how they chose geographic service areas and identify the rural areas where they intend to work with this grant award.

Factor 4 – Applicants are asked to identify what sources they will consider and explore for the match requirement, and to describe how they will apply match funds to the program activities described in Factor 3.

Factor 5 – Applicants are specifically asked to explain how they will evaluate their program delivery and their management of Section 4 funds. Applicants are also provided with the expenditure benchmarks that will be used to assess timely use of Section 4 grant funds from previous grant awards.

Priority Bonus Points – The points for policy priorities were eliminated from the FY 2017 General Section.

To improve your chance of success, please be sure to read this announcement fully and

carefully and respond to all of the elements in each factor.

3. Definitions.

a. Standard Definitions

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

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

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

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

Consolidated Plan is a document developed by states and local jurisdictions, which they complete by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See 24 CFR 91 for more information about the Consolidated Plan and related Annual Action Plan.)

Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used with respect to awards, subawards, and cooperative agreements subject to 2 CFR part 200 does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward. (See 2 CFR 200.22 and 200.92.)

Contractor means an entity that receives a contract.

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

- Curable Deficiency – Applicants may correct a curable deficiency with timely action. To be curable the deficiency must:
 - Not be a threshold requirement;
 - Not influence how an applicant is ranked or scored versus other applicants; and
 - Be remedied within the time frame specified in the notice of deficiency.
- Non-Curable Deficiency – An applicant cannot correct a non-curable deficiency after the submission deadline. Non-curable deficiencies are deficiencies that if corrected would change an applicant’s score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application’s score and final determination

DUNS Number is the nine-digit identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. Requests for a DUNS number can be made by visiting the Online DUNS Request Portal.

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

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

Grants.gov is the website that serves as the Federal government’s central portal for searching for and applying for grants throughout the Federal government.

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

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

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

Point of Contact (POC) is the person who may be contacted with questions about the application submitted by the AOR. The point of contact is listed in item 8F on the SF-424.

Preferred Sustainability Status Communities (PSS) for the purposes of HUD's FY2017 funding competitions, are communities that have received PSS under HUD's FY2011 Sustainable Communities Regional Planning Grant Program and/or HUD's FY2011 Community Challenge Planning Grant Program. [Click here for list](#). Promise Zones are federally-designated, high-poverty urban, rural and tribal communities where the Federal government will partner with and invest in communities to accomplish these goals: create jobs, leverage private investment, increase economic activity, expand educational opportunities, and reduce violent crime.

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

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

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

Section 3 Residents means: 1) Public housing residents; or 2) Low and very-low income persons, as defined in 24 CFR 135.5, who live in the metropolitan area or non-metropolitan county where a HUD-assisted project for housing or community development is located.

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

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

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a HUD program; but does not include an individual that is a beneficiary of such program. A subrecipient may also receive other Federal awards directly from a Federal awarding agency (including HUD).

System for Award Management (SAM), located at the website sam.gov, is the official U.S. Government system that consolidated the capabilities of Central Contractor Registry (CCR), Excluded Parties List System (EPLS) and the Online Representations and Certifications Application (ORCA). Registration with [Sam.gov](http://sam.gov) is required for submission of applications via grants.gov.

Threshold Requirement – Threshold requirements are a type of eligibility requirement. Threshold requirements must be met in order for an application to be reviewed. Threshold requirements are not curable. Threshold requirements are listed in Section III.C.1. Threshold Requirements of this Program NOFA.

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

b. Program Definitions

Community Development Corporation (CDC):

1. A CDC is a nonprofit organization that undertakes eligible Section 4 Capacity Building Program activities as defined in this NOFA. The CDC must be:
 - a. 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;
 - b. Governed by a board of directors composed of community residents, business and civic leaders;
 - c. 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;
 - d. Be neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization;
 - e. 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);
 - f. Have standards of financial accountability that conform to 2 CFR Part 200.302, “Financial Management” and 2 CFR Part 200.303, “Internal Controls”;
 - g. Not be an agency or instrumentality of a State or local government;
 - h. For urban areas, “community” may be a neighborhood or neighborhoods, town, village, county or multi-county area (but not the entire State or territory).
2. An organization that does not qualify under paragraph (a) through (h) may also be determined to qualify as an eligible entity if:
 - a. 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
 - b. 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
 - c. 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.

Community Housing Development Organization (CHDO): A CHDO is defined in the HOME Investment Partnerships Program (HOME Program) regulation 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.

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

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
2. 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.

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.

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 AMI.

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.

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 Area Median Income (AMI).

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.

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) <https://www.federalregister.gov/documents/2010/06/28/2010-15605/2010-standards-for-delineating-metropolitan-and-micropolitan-statistical-areas>. Current delineations can be found at: <https://www.census.gov/programs-surveys/metro-micro.html>.

4. Resources.

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

B. Authority.

The Capacity Building program is authorized by Section 4 of the HUD Demonstration Act of 1993 (Public Law 103-120, 107 Stat. 1148, 42 U.S.C. 9816 note), as amended. The funding made available through this NOFA is authorized by the Consolidated Appropriations Act, 2017 (Public Law 115-31, approved 05/05/2017).

II. Award Information.

A. Available Funds.

\$35,000,000 is available through this NOFA.

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

B. Number of Awards.

HUD expects to make approximately 3 awards from the funds available under this NOFA. This estimate assumes funding at the same level as FY16. The number of awards made from funds available under this NOFA will depend on the amount of funding in the FY17 appropriation, the number of eligible applicants, and other factors. For information on the methodology used to make award determinations under this NOFA, please see Section V.B Review and Selection Process below.

C. Minimum/Maximum Award Information.

Estimated Total Funding:	\$35,000,000
Minimum Award Amount:	\$0 Per Project Period
Maximum Award Amount:	\$0 Per Project Period

D. Period of Performance.

Estimated Project Start Date:	09/27/2017
Estimated Project End Date:	09/26/2021
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
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III. Eligibility Information.

A. Eligible Applicants.

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

Additional Information on Eligibility:

The competition is limited to the following three 501(c)(3) status nonprofit organizations identified in the Section 4 of the HUD Demonstration Act of 1993 (Pub.L. 103-120, 107 Stat. 1148, 42 U.S.C. 9816 note), as amended. Specifically, these three organizations are: Enterprise Community Partners, Inc. (formerly The Enterprise Foundation), the Local Initiatives Support Corporation (LISC), and Habitat for Humanity International. Specifically, the only applicants eligible for this competition are the three organizations located at the following addresses:

- Enterprise Community Partners, Inc. (formerly The Enterprise Foundation), 11000 Broken Land Parkway, Suite 700, Columbia, MD 21044;

- Local Initiatives Support Corporation (LISC), 501 Seventh Avenue, 7th Floor, New York, NY 10018; and
- Habitat for Humanity International, 121 Habitat Street, Americus, GA 31709.

Affiliates and local offices of these organizations and their community partners are not eligible to compete either directly or independently for capacity building grants under this notice, but may seek funding from the above organizations.

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

B. Cost Sharing or Matching.

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

Section 4(c) of the HUD Demonstration Act of 1993 requires that each dollar awarded must be matched by three dollars in cash or in-kind contribution obtained from private sources. The types of documentation accepted by HUD will be determined at the time the organization enters into a grant agreement. All match funds, including in-kind contributions, shall conform to the requirements of 2 CFR Part 200.29, 2 CFR 200.306 and 2 CFR Part 200.96.

C. Threshold Requirements.

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

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

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

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

- (1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt

of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;

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

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

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

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

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

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

D. Statutory and Regulatory Requirements Affecting Eligibility.

1. Compliance with Non-discrimination and Related Requirements.

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

Compliance with Fair Housing and Civil Rights Laws.

With some exceptions for federally recognized Indian tribes, recipients 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; Title II and Title III of the ADA of 1990.

Recipients of HUD funds, and their prospective sub-recipients, who are conducting programs or activities in 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.

Federally recognized Indian tribe or Tribally Designated Housing Entity (TDHE) applicants must comply with the non-discrimination provisions enumerated in the applicable program regulations.

Affirmatively Furthering Fair Housing.

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

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

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

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

Certain programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 135. The regulations at 24 CFR part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other

economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low-and very low-income persons where a proposed project is located.

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

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

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

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

Accessible Technology.

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

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

The Equal Access Rule requires that a determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration (FHA) shall be made in accordance with the eligibility requirements provided for such program by HUD, and

such housing shall be made available without regard to actual or perceived sexual orientation, gender identity or marital status. In addition, the rule prohibits owners or administrators of HUD-assisted or FHA insured housing, approved lenders in an FHA mortgage insurance program, or any other recipient or subrecipient of HUD funds from inquiring about the sexual orientation or gender identity of an applicant for or occupant of HUD-Assisted or insured housing. Thus, HUD recipients and subrecipients must comply with 24 CFR 5.105(a)(2) when determining eligibility for housing assisted by HUD or insured by FHA and may not inquire about sexual orientation or gender identity to make such determinations. HUD's definitions of sexual orientation and gender identity are at 24 CFR 5.100. HUD's definition of family is at 24 CFR 5.403. (See other regulatory changes made through HUD's Equal Access Rule at 77 FR 5662 Feb. 3, 2012.) HUD's Equal Access Rule does not apply to the Department's Native American housing programs.

2. HUD- or Federal government-wide Requirements.

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

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

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

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

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

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

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

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

f. Mandatory Disclosure Requirement. Recipients or applicants must disclose in writing to the awarding program office at HUD, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award within ten days after learning of the violation. Recipients that have received a Federal award including the term and condition outlined in Appendix XII to Part 200—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

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

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

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

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

unable, to be impartial in administering the award or serving as a pass-through-entity.

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

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

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding an FY 2017 program NOFA. Applicants with questions regarding these provisions or concerning a conflict of interest, please call the Office of General Counsel, Ethics Law Division, at (202) 708-3815 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Services service at 1-800-877-8339.

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

k. Consistency with the Consolidated Plan and Analysis of Impediments (AI)/Assessment of Fair Housing – Certain competitive Programs require applications to contain a certification of consistency with a HUD-approved Consolidated Plan. This certification means that the proposed activities are consistent with the jurisdiction’s strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan.

The Consolidated Plan also includes the jurisdiction's certification to affirmatively further fair housing which means, among other requirements, that the jurisdiction has conducted an AI/Assessment of Fair Housing. If a program NOFA requires a certification of consistency with the Consolidated Plan and you fail to provide the certification, and you do not cure the omission as a curable deficiency, HUD will not fund the application.

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

E. Program Specific Requirements.

Purpose. Through funding of national intermediaries, the Section 4 Capacity Building program (Section 4) enhances the capacity and ability of community development corporations (CDCs) and community housing development organizations (CHDOs) to carry out affordable housing and community development activities that benefit low- and moderate-income families and persons.

Activities in the Section 4 Capacity Building program are limited to the following eligible activities and priorities:

Eligible Activities and Priorities. Funds may be used to provide the following services:

1. Training, education, support, and advice to enhance the technical and administrative capabilities of CDCs and CHDOs. This includes building the capacity of CDCs and CHDOs to participate in consolidated planning, 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 CDCs and CHDOs 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.

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, 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, in addition to issues related to sustainability and comprehensive

neighborhood revitalization activities. Through these activities, grantees are encouraged to align with and support projects that create opportunities for transformative revitalization and investments focused on job growth, economic recovery, and neighborhood revitalization. Additionally, grantees are encouraged to consider how CDCs and CHDOs may align investments with regional planning for sustainable economic development if such efforts are underway in the jurisdiction.

In addition, activities should support HUD's Strategic Plan and priorities as described in Section I. of the General Section.

F. Criteria for Beneficiaries.

This program has eligibility criteria for beneficiaries.

Eligible Beneficiaries are limited to CDCs and CHDOs.

IV. Application and Submission Information.

A. Obtaining an Application Package.

Instructions for Applicants

You must download both the Application Instruction and the Application Package from [Grants.gov](https://www.grants.gov). To ensure you are using the correct Application Package and Application Instructions, you must verify that the CFDA Number and CFDA Description on the first page of the Application Package, and the Opportunity Title and the Funding Opportunity Number match the Program and NOFA to which you are applying.

The Application Package contains the Adobe forms created by Grants.gov. The Instruction download contains official copies of the General Section and Program NOFA, and forms necessary for a complete application. The Instruction download may include Microsoft Word, Microsoft Excel and additional Adobe Portable Document Format documents.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. For example, a lack of available Internet access in the geographic area in which your business offices are located. Lack of SAM registration or valid DUNS is not deemed good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if HUD does not receive your written request at least 15 days before the application deadline or if you do not demonstrate good cause. If HUD waives the requirement, HUD must receive your paper application before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you should contact:

Email: CapacityBuilding@hud.gov

B. Content and Form of Application Submission.

To ensure that the correct Application Package and Application Instructions are used, applicants must verify that the CFDA Number and CFDA Description on the first page of the Application Package downloaded from Grants.gov, as well as the Funding Opportunity Title, and the Funding Opportunity Number match the Program and NOFA to which they are applying. You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFA for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application under the wrong CFDA and Funding Opportunity Number is a curable deficiency.

1. Content.

Forms for your package include the forms outlined below:

Forms / Assurances / Certifications	Submission Requirement	Notes / Description
Application for Federal Assistance (form SF424)	This form is required	
Faith-Based Ensuring Equal Opportunity Survey (SF424 Supplement)	This form is optional.	
Grant Application Detailed Budget (HUD-424-CB)	This form is required.	
Certification of Consistency with Sustainable Communities Planning and Implementation Form (HUD-2995)	Required for consideration for the Preferred Sustainability Status Communities Preference Point.	
Certification of Consistency with Promise Zone Goals and Implementation (HUD 50153)	Required for consideration for the Promise Zones Preference Point.	

Applicant Assurances and Certification (HUD-424-B)		
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report	HUD will provide instructions to grantees on how the form is to be submitted.	HUD will provide instructions to grantees on how the form is to be submitted.
Disclosure of Lobbying Activities (SF-LLL) (if applicable)	Refer to the instructions on the form to determine if the organization meets the requirements for submission	
Acknowledgment of Application Receipt (HUD2993), if applicable	This form is applicable only to applications submitted on paper, following receipt of a waiver of electronic submission.	This form is not required but is available for applicants who want confirmation that their hard-copy application was received by HUD. The form must be submitted with the application, in accordance with the application submission instructions included in the waiver of electronic submission.

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

A complete narrative that addresses all of the elements in Factors 1 through 5 in Section V.A. of this NOFA. Applicants are advised to address the specific requirements of each Rating Factor in the narrative section specific Rating Factor so that information is not missed during the review process.

2. Format and Form.

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

Page Limitation and Font Size. Narratives addressing Factors 1 through 5 are limited to no more than 36 typed pages of single-spaced text based on 8.5 by 11- inch paper, using a Times New Roman standard 12-point font. HUD will not review more than 36 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 and/or the HUD-50153 in support of Promise Zones bonus points. All applicants should enter the applicant name, DUNS number, and page numbers on the narrative pages of the application.

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 that are not specified in this NOFA.

Checklist for Application Submission.

The following checklist is provided as a guide to help ensure that applicants submit all the required elements.

- 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) (optional);
- Narrative addressing Factors 1 through 5;
- Grant Application Detailed Budget (HUD-424-CB);
- Certification of Consistency with Sustainable Communities Planning and Implementation Form (HUD 2995);
- Certification of Consistency with Promise Zone Goals and Implementation (HUD 50153)
- Applicant Assurances and Certification (HUD-424-B);
- Applicant/Recipient Disclosure/Update Report (HUD2880);
- Disclosure of Lobbying Activities (SFLLL) (if applicable); and
- Acknowledgment of Application Receipt (HUD2993) (for paper submissions only).

All forms required for application submission can be found in the application and instruction downloads on Grants.gov.

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

1. SAM Registration Requirement

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

2. DUNS Number Requirement.

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

3. Requirement to Register with Grants.gov.

Anyone planning to submit grant applications on behalf of an organization must register at Grants.gov and be approved by the EBiz Point of Contact in SAM to submit applications for the organization.

Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot submit an application through Grants.gov. Complete registration instructions and guidance are provided at [Grants.gov](https://www.grants.gov). See also Section IV.B for necessary form and content information.

D. Application Submission Dates and Times.

The application deadline is 11:59:59 p.m. Eastern time on **09/06/2017**. Applications must be received no later than the deadline.

Submit your application to [Grants.gov](https://www.grants.gov) unless a waiver has been issued allowing you to submit your application in paper form. Instructions for submitting your application to [Grants.gov](https://www.grants.gov) are contained in the Application Package you downloaded from [Grants.gov](https://www.grants.gov). Instructions for submitting your paper application will be contained in the waiver of electronic submission.

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

“Received by [Grants.gov](https://www.grants.gov)” means the applicant received a confirmation of receipt and an application tracking number from [Grants.gov](https://www.grants.gov). [Grants.gov](https://www.grants.gov) assigns an application tracking number and date- and time-stamps each application upon successful receipt by the [Grants.gov](https://www.grants.gov) system. A submission attempt that does not result in confirmation of receipt and an application tracking number is not considered received by [Grants.gov](https://www.grants.gov).

Applications received by Grants.gov must be validated by [Grants.gov](https://www.grants.gov) in order to be received by HUD. “Validated by Grants.gov” means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the dropdown list. If the application status is “rejected with errors,” you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in “rejected with errors” status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after submitting an application. To quickly check the status of your application:

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

password for the AOR account used to submit the application.

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

Note: Now you can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

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

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

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially-declared disaster in the applicant's area.

In the event of either of these events, HUD will post a notice on its website that establishes the new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program's Notice of Funding Awards that is required to be published in the Federal Register.

In determining whether to grant a request for an extension based on a presidentially-declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

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

1. Amending or Resubmitting an Application.

Before the submission deadline, you may amend an application that has been validated by Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by grants.gov by the applicable deadline. If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

2. Grace Period for Grants.gov Submissions.

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected application that is received and validated by Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period that is not received and validated by grants.gov will not be considered for funding. There is no grace period for paper applications.

3. Late Applications.

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

4. Corrections to Deficient Applications.

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

When HUD identifies a curable deficiency, HUD will notify the authorized representative in item 21 of the SF-424 describing the curable deficiency. The email notifications are the official notification of the need to cure a curable deficiency. Each applicant must provide accurate email addresses for receipt of these notifications and must monitor their email accounts to determine whether a deficiency notification has been received. The applicant must carefully review the request for cure of a curable deficiency and must provide the response in accordance with the instructions contained in the deficiency notification.

Applicants must email corrections of curable deficiencies to applicationsupport@hud.gov within the time limits specified in the notification. The time allowed to correct deficiencies will not exceed 14 calendar days or be less than 48 hours from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD (or GrantSolutions). If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or other day when HUD's Headquarters offices in Washington, DC, are closed, then the applicant's correction must be received on the next business day that HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to applicationsupport@hud.gov must state: "Technical Cure" and include the Grants.gov application tracking number (e.g., Subject: Technical Cure - GRANT123456). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

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

E. Intergovernmental Review.

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

F. Funding Restrictions.

No fee or profit may be paid to any recipient or subrecipient of an award under this Section 4 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).

Non-governmental organizations: 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. If your organization has never had an indirect cost rate and wishes to use the de minimis rate, your application must clearly state you intend to use the de minimis 10% of Modified Total Direct Costs (MTDC).

Governmental organizations: If your organization has a negotiated indirect cost rate, your application 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.

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 must enroll an email address at the application download page to receive an e-mail alert from Grants.gov in the event the opportunity is changed.

2. Application Certifications and Assurances.

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

3. Lead Based Paint References

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

V. Application Review Information.

A. Review Criteria.

1. Rating Factors.

The maximum number of points to be awarded for a Section 4 Capacity Building program application is 102, which includes Rating Factors 1 through 5 and two bonus points. The minimum score for an application to be considered for funding is 75. Applicants are only eligible to receive bonus points if they received a rating score of 75 or more for Factors 1 through 5, not including bonus points. Two bonus points will be awarded for working with communities that have acquired Preferred Sustainable Status and/or Promise Zones criteria, as described in Section V.D.2 of the General Section.

Points are assigned based on applicant's narrative responding to five factors. The narrative should cover the activities that will be carried out with Section 4 Capacity Building funds during the term of the grant agreement. Submissions should provide recent (within the last five 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 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: 4
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Applicants must present a description of the capacity of the applicant and its organizational experience relevant to the Section 4 Capacity Building program. Applicants should list position summaries of key principal staff that will manage the Section 4 Capacity Building program and funds, and of any persons and organizations firmly committed to the management of program delivery and applicable activities, including key contractors or subrecipients, if applicable. Other than names and position titles, please do not use any Personally Identifiable Information (PII).

To assess this factor, HUD will consider the extent to which the application demonstrates that the organization has:

- Knowledgeable key personnel skilled in managing and providing one or more of the eligible activities for the Section 4 Capacity Building program;
- A sufficient number of staff, or ability to procure qualified experts or professionals, with the knowledge, skills, and abilities to deliver the proposed level of services in the proposed service area in a timely and effective fashion;
- Experience in providing capacity building in both urban and rural settings; and
- Experience working with other HUD programs.

Rating Factor 2: Need/Extent of the Problem	Maximum Points: 18
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Applicants must describe their understanding of the capacity building needs of CDCs and CHDOs in the specific geographies where they propose to utilize Section 4 Capacity Building program funds, including both rural and urban areas. The narrative must explain the nature and

extent of the need in relation to the eligible activities and priorities identified in Section III.C. of this NOFA, and must support the description of the needs with credible, reliable, and quantitative information.

1. **Need for Capacity Building (15 points)** Specifically, this factor will be assessed on the applicant's identification and explanation of:

- *The Needs of the Communities to Be Served:* Describe the general socioeconomic needs of cities, communities, families and individuals in the areas the applicant proposes to serve.
- *The Needs of CDCs and CHDOs:* Describe the specific capacity building needs of CDCs and CHDOs as related to their ability to successfully address the identified general socioeconomic needs.
- *Geographic Needs:* Describe how the applicant determines the geographic location where program funds will be used. Provide at least two specific examples how the applicant selected geographic regions for funding support in the last two years; examples should include at least one rural and one urban geographic area.

Data Quality (3 points) The explanation of community, CDC and CHDO needs must be supported by objective information and/or data, using sources such as the most recent Census, recent (within 5 years) American Housing Surveys, local or state Consolidated Plans, HUD program reports available through the HUD Exchange or HUD User websites, or other demonstrably relevant, recent and reliable data sources. For the purposes of demonstrating the specific needs of CDCs and CHDOs, applicants may also use data collected through the organization's own valid, recent, reliable and replicable means of collection. If an applicant uses its own data source, it must provide a brief explanation of the research methods used in data collection and analysis.

Rating Factor 3: Soundness of Approach	Maximum Points: 40
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Applicants must present their proposed plan for building the capacity of CDCs and CHDOs based on the capacity building needs identified in Factor 2. Specifically, the applicant's narrative must include the following elements:

1. **Description of Activities (12 points)** Applicants must describe the eligible activities they propose to conduct to address the capacity building needs of CDCs and CHDOs as identified under Rating Factor 2. HUD will evaluate the extent to which the application clearly describes:

- *Proposed Activities* - The applicant must explain its approach to capacity building by stating its proposed eligible activities (according to Section III.E of this NOFA) and how the proposed activities are feasible and practical to meeting the capacity building needs of CDCs and CHDOs. Be sure to identify the method of execution of the proposed activities, as applicable; for example, if the applicant proposes to conduct a series of trainings, indicate if the training will be done live on-site, remotely and/or if

they will be recorded for later distribution.

- *Proposed Beneficiaries* - The applicant must identify the intended eligible beneficiaries for the eligible activities proposed, and/or how eligible beneficiaries will be identified and selected.
- *Rationale for Proposed Activities* – The applicant must describe the rationale for its determination that the proposed activities will be cost-effective and enable the CDC and CHDO beneficiaries to carry out specific housing and community development activities. In addition, the applicant must explain why the proposed activities represent the best approach to meet the identified CDC and CHDO needs.

2. Plan to Conduct Activities (18 points) Applicants must describe a plan for how they will design, organize, implement and manage the proposed capacity building activities, including how they will operate under the requirements of the Section 4 Capacity Building program. For example, if the applicant proposes to run an internal Request for Proposal process to select beneficiaries, then a summary of that plan and how it is connected to the proposed time frame should be provided.

HUD will assess the applicant’s description of the:

- *Strategic Vision* - Explain the overall vision and design for the proposed Section 4 Capacity Building program.
- *Implementation Process* – Describe how the applicant will implement and manage the proposed activities with the FY 2017 grant award.
- *Schedule* – Provide a schedule and description showing how the plan and the proposed activities are expected to be completed each year of the four-year grant period. The distribution of work presented in this schedule should align with the year-to-year budget provided in this application.

3. Geographic Coverage (9 points) Applicants must identify the geographic areas where they expect to focus their proposed FY 2017 Section 4 Capacity Building program activities. If the exact locations are not yet known, the applicant must describe how they will review and select where the FY 2017 Section 4 Capacity Building program award will be used.

For this element, the narrative must address:

1. How the applicant will select the areas where it will work, including the process and factors that it will consider to select geographies.
2. Which rural areas the applicant will serve with the FY 2017 Section 4 Capacity Building program grant award. If these areas not yet known, then the applicant must describe the factors that it will consider to select rural areas.
3. Whether the applicant will assist any specific disadvantaged communities, populations, and/or organizations that previously have been underserved and that lack access to economic, educational, social or housing opportunity. Examples of these areas include Neighborhood Revitalization Strategy Areas, Colonias, Appalachia’s distressed counties, the lower Mississippi Delta region, or other locally designated community

development target areas.

To receive credit for this sub-element, the applicant must address:

1. The community(ies), population(s) and/or organization(s) that it will serve; and
2. The effective strategy for engaging the participation of identified communities, populations, and/or organizations through the Section 4 Capacity Building program to promote equal access to economic, educational, social or housing opportunities locally, and/or across regions.

4. Compliance with Section 3 (1 point) Applicants must 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 provide employment and training opportunities for low- and very low-income persons, as well as contracting and other economic opportunities for 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.

HUD will evaluate the applicant's description of how Section 3 requirements will be accomplished, and to receive credit the applicant must identify:

1. Its strategies for targeting Section 3 residents and businesses for economic opportunities; and
2. The number of new jobs, contracts, and training opportunities that applicable project activities are expected to generate.

Rating Factor 4: Match Requirement and Leveraging Resources **Maximum Points: 10**

In this factor, HUD will evaluate the applicant's ability to secure leverage from public and/or private sector resources (such as financing, supplies, or services) other than Section 4 Capacity Building resources to perform eligible activities and sustain the applicant's proposed Section 4 Capacity Building program, and how the applicant will acquire and apply private match dollars to meet the 3:1 statutory requirement. Applicants must keep in mind that leveraging resources are considered additional resources above and beyond the Section 4 Capacity Building program's statutorily required 3:1 match requirement and cannot be counted towards the statutory match requirement.

The following elements will be assessed:

- **Leverage Ratio (3 points)** Applicants that demonstrate a leverage ratio of at least ten-to-one shall be awarded three points. Applicants demonstrating a lesser ratio shall be awarded the points proportionate to their documented leverage. To document leveraging for the FY2017 NOFA, applicants should include their actual results in leveraging Section 4 Capacity Building assisted projects in Federal FY2016 (October 1, 2015 – September 30, 2016).

- **Match Sources (3 points)** The narrative must describe both how and which match sources will be explored and pursued for the FY 2017 grant award.
- **Application of Match Funds (4 points)** The narrative must address how the applicant and beneficiaries will use the match funding to support their Section 4 Capacity Building program and to build the capacity of CDCs and CHDOs.

Rating Factor 5: Achieving Results and Program Evaluation	Maximum Points: 28
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This factor addresses how the applicant proposes to achieve results and conduct program evaluation, and it reflects HUD's goal to embrace high standards of ethics, management, and accountability. The applicant shall provide an effective performance plan to evaluate and quantifiably measure the performance of its proposed Section 4 Capacity Building program activities through the identification of specific outputs and outcomes that demonstrate improved capacity of CDCs and CHDOs. Applicants also will be evaluated based on past performance using Section 4 Capacity Building program funds.

1. **Expected Performance Outputs and Outcomes (4 points)** This element of the performance plan shall include a description of overarching project goals, a timeline for achieving results, and specific planned outputs selected from the quantifiable measures below. Applicants may propose other quantifiable output or outcome measures that apply to the activities proposed in Factor 3. All proposed outcome and output measures must clearly demonstrate how CDCs' and CHDOs' improved skills, technical capabilities, and production in undertaking community development activities will be identified and measured.

- **General Outputs**

- o Number of individuals served
- o Number of organizations served
- o Number of CDCs/CHDOs served
- o Number of states served
- o Number of HUD Regions served

- **Program Priorities**

- o Number of new CDCs or CHDOs created
- o Number of Organizations newly accessing or expanding Federal funding
 - o Dollar amount of new or expanded Federal funding received

- **Training and Education**

- o Number of engagements/trainings offered
 - o Number of web-based engagements/trainings offered

- Number of in-person engagements/training
 - Number of individuals receiving financial assistance to attend training
 - Dollar amount of financial assistance provided to individuals to attend training
 - Number of participants earning or renewing a license or certification
 - Number of peer-to-peer learning events
- **Other Capacity Building Efforts**
 - Number of community development projects
 - Dollar amount invested into community development projects
 - Number of community programs supported
 - Dollar amount invested in community programs
 - Number of new community partnerships developed
 - Number of data portal and web visits
 - Number of publications/newsletters created
- **Direct Financial Assistance**
 - Number of grants awarded
 - Dollar amount of grants awarded
 - Number of loans awarded
 - Dollar amount of loans approved
 - Number of other financial assistance events
 - Dollar amount invested in other financial events
- **Housing and Economic Development**
 - Jobs
 - Number of jobs created
 - Number jobs retained.
 - Housing
 - Number of housing units in the development process
 - Number of new housing units created
 - Number of housing units preserved, repaired, or rehabbed

- o Business
 - o Number of businesses assisted
 - o Number of businesses created

2. Performance Evaluation Plans (7 points) This element of the performance plan will be assessed on the extent to which the application clearly describes an effective and detailed plan for evaluating the effectiveness of eligible activities proposed in Factor 3 of the application. The plan must address the:

- a. Evaluation of Program Effectiveness and Delivery* – Describe the process for how the applicant will evaluate the effectiveness of the Section 4 Capacity Building program and activities presented in Factor 3.
- b. Evaluation of the Applicant’s Capacity Building Program Operation* –Describe how the applicant will assess and evaluate its internal operations and processes for managing the Section 4 Capacity Building program grant award and ensuring effective program delivery.

3. Past Performance (17 points) In rating this factor, HUD will assess the applicant’s successful past performance in administering HUD’s Section 4 Capacity Building program including meeting all match requirements.

1. Outcomes and Outputs Achieved (7 points) Using information from the previous five Section 4 Capacity Building grant awards, describe how Section 4 Capacity Building program activities contributed to, or resulted in, the achievement of program goals and outcomes using the list of quantifiable measures listed under element 1 of Factor 5 of this NOFA. Applicants should include, as applicable, increases and improvements in affordable housing and community development program accomplishments as a result of capacity building.

In rating this factor, HUD will evaluate the extent to which the applicant demonstrates successful performance within the last five years that was timely, cost-effective, and resulted in positive outcomes in the delivery of capacity building for affordable housing and community development. HUD will consider the past performance of current Section 4 Capacity Building grantees that includes, but is not limited to, financial, monitoring, and other information in HUD’s files.

2. Timely Expenditure and Disbursement of Section 4 Grant Funds. (10 points) Applicants should describe the timeliness of expenditure and disbursement of Section 4 Capacity Building program funds for the FY 2012 through FY2016 grant awards, using information that is collected from LOCCs no later than 30 days after the publication of this NOFA. The description must include the following for each of the Section 4 Capacity Building program grants awarded for the Fiscal Years 2012-2016 awards:

- The amount of the applicant’s Section 4 Capacity Building program grant awards from HUD for each of the previous five fiscal years;

- The amount of the Section 4 Capacity Building program funds committed to eligible activities as evidenced by a HUD approved work plan for each grant award;
- The amount of Section 4 Capacity Building program funds disbursed, as indicated in LOCCs no later than 30 days after the date of the publication of this NOFA, for each of the previous five fiscal years; and
- The balance of funds remaining undisbursed for each of the applicant's Section 4 Capacity Building program's previous five fiscal year grant awards.

In rating this factor, HUD will evaluate the extent to which the applicant demonstrates successful past performance in the timely commitment and disbursement of Section 4 Capacity Building program grant funds, to include the completion of the FY2012 grant award, the return of any unspent FY2012 funds or the extension of a FY 2012 grant award. It is expected that the applicant with previous awards will have spent a portion of all the open grant awards, using the benchmark expectation of 25 percent of an award expended after each year of each award. To determine this rate, HUD will calculate the ratio of the amount of Section 4 Capacity Building program grant awarded each year to the amount of Section 4 Capacity Building program grant funds committed and disbursed.

Maximum points will be assigned using the following schema:

Grant Year	Percent of funds expected to be drawdown from LOCCs
<i>FY 2012</i>	99-100%
<i>FY 2013</i>	Greater than 75%
<i>FY 2014</i>	Greater than 50%
<i>FY 2015</i>	Greater than 25%
<i>FY 2016</i>	Greater than 0%

2. Preference Points.

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 preference points for these activities.

- a. To receive Preferred Sustainability Status Communities Preference Points, applicants must submit form HUD 2995, 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 ([click here](#)).

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

B. Review and Selection Process.

1. Past Performance

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

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

HUD may deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program NOFAs. Each Program NOFA will specify how past performance will be rated or otherwise used in the determination of award amounts. Whenever possible, HUD will obtain past performance information from staff with the greatest knowledge and understanding of each applicant's performance. If this evaluation results in an adverse finding related to integrity or performance, HUD reserves the right to take any of the remedies provided in Section III.C.2.b.(5), Pre-selection Review of Performance, above.

2. Assessing Applicant Risk

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 and incorporates the risk assessment criteria laid out in 2 CFR 200.205. If this integrity evaluation results in an adverse finding, HUD reserves the right to take any of the remedies provided in Section III.D.2.e of this NOFA, Pre-selection Review of Performance. HUD also reserves the right to impose specific grant conditions in accordance with 2 CFR 200.207.

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 Factors for Award noted under Criteria, Section V.A.

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 in order to be reviewed, scored, and ranked. Applications that do not meet these requirements and applications that were received after the deadline (see Section III.C. of the General Section) 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 bonus points if it scores a minimum of 75 points for the five Rating Factors. HUD will award two bonus points to applicants that meet the Preferred Sustainability Status and/or Promise Zones criteria. An applicant can receive a possible total of 102 points which includes Rating Factors 1 through 5 and 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 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 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 considered for funding in ranked order up to the amount requested, or in a lesser amount if sufficient funds are not available. Meeting the minimum score of 75 points does not guarantee a funding award will be made. HUD reserves the right to adjust funding to meet urgent policy priorities.

C. Anticipated Announcement and Award Dates.

October 11, 2017

VI. Award Administration Information.

A. Award Notices.

Following the evaluation process HUD will notify successful applicants of their selection for funding. HUD will also notify all other applicants, whose applications were received by the deadline, that have not been chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

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. Successful applicants will receive a signed grant agreement package, and once that is complete each grantee will submit to HUD specific work plans and budgets for each initiative it proposes to implement. Work cannot commence unless it has been approved in a work plan.

The work plan will show when and how the federal funds and matching funds will be used. The work plan 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. Multiple work plans may be submitted for each grant, as such, 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 III.D.2.g of the General Section and 2CFR 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 in HUD's library of the Code of Conducts for HUD Grant Programs located at https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/conduct, unless the information has 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, and Labor Surplus Area Firms participate fully in the direct contracting and contracting opportunities generated by HUD's financial assistance. State, local, and Indian tribal governments are required by 24 CFR 85.36(e) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women-owned business enterprises, and labor surplus area firms are used whenever possible or as specified in the Program NOFAs. Nonprofit recipients of assistance (grantees and subgrantees) are required by 2 CFR 200.321 to make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, and Labor Surplus Area Firms whenever possible.

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.

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

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

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.

Procurement of Recovered Materials.

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

Participation in a HUD-Sponsored Program Evaluation.

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

Environmental Requirements.

Compliance with 24 CFR Part 50 or 58 procedures is explained below:

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 sub-grants 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 in complying 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.

OMB Administrative Requirements and Cost Principles.

Unless excepted under 24 CFR chapters I through IX, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth in 2 CFR part 200, shall apply to Federal Awards made by the Department of Housing and Urban Development to non-Federal entities. Applicants should be aware that if the total Federal share of your Federal award may include more than \$500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200 Award Terms and Condition for Recipient Integrity and Performance.

Drug-Free Workplace.

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

- Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.
- Establish an ongoing drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace;
 - The applicant's policy of maintaining a drug-free workplace;
 - Available drug counseling, rehabilitation, or employee assistance programs; and
 - The penalties that may be imposed upon employees for drug abuse violations

occurring in the workplace.

- Notify HUD and other federal agencies providing funding in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification must be provided in writing to HUD's Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington DC 20410-3000, along with the following information:
 - The program title and award number for each HUD award covered;
 - The HUD staff contact name, telephone and fax numbers;
 - A grantee contact name, telephone and fax numbers; and
 - The convicted employee's position and title.
- Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (a) above and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:
 - Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or
 - Imposition of a requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- Identify to the agency making the award all known workplaces under the award. The workplace identification must include the actual address of buildings or other sites where work under the award will take place. The applicant must also inform the agency of any workplace changes during the performance of the award. The identification of the workplaces must occur either:
 - At the time of application or upon award; or
 - In documents the applicant keeps on file in its offices during performance of the award, in which case the applicant must make the information available for inspection upon request by the agency.

Safeguarding Resident/Client Files.

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

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

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

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

Eminent Domain.

Section 407 of Div.K, Title IV of the Consolidated Appropriations Act, 2016 (Public Law 114-113) prohibits the use of funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use shall not be construed to include economic development that primarily benefits private entities. Use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118), will be a public use for Section 407 purposes. Applicants for FY 2017 assistance under the programs governed by this General Section may be subject to this restriction if it is incorporated in HUD's FY 2017 appropriation.

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

Physical Accessibility.

Note that all meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with HUD's implementing regulations for section 503 of the Rehabilitation Act of 1973 (29 U.S.C. §794) at 24 CFR part 8. In addition, all notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or

provide other means of accommodation for persons with disabilities consistent with section 504 of the Rehabilitation Act of 1973 and HUD's section 504 regulations. See CFR section 8.6.

C. Reporting.

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

1. Reporting Requirements and Frequency of Reporting. This Program NOFA and award agreement will specify the reporting requirements, including content, method of data collection, and reporting frequency. Applicants should be aware that if the total Federal share of your Federal award may include more than \$ 500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200--Award Term and Condition for Recipient Integrity and Performance Matters.

2. Race, Ethnicity and Other Data Reporting. HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, handicap (disability), and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. Program NOFAs may specify the data collection and reporting requirements. Many programs use the Race and Ethnic Data U.S. Department of Housing OMB Approval No. 2535-0113 Reporting Form HUD-27061.

3. Performance Reporting. All HUD funded programs, including this program, require recipients to submit, not less than annually, a report documenting achievement of outcomes under the purpose of the program and the work plan in the award agreement.

Section 4 program grantees are required to submit semi-annual reports for the course of the grant award.

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

D. Debriefing.

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

VII. Agency Contact(s).

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

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

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.

National Environmental Policy Act.

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