U.S. Department of Housing and Urban Development

Public and Indian Housing

Lead-Based Paint Capital Fund Program (LBPCF) - Update and Reissue
FR-6100-N-42A
Application Due Date: 02/19/2019

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U.S. Department of Housing and Urban Development

Program Office:	Public and Indian Housing
Funding Opportunity Title:	Lead-Based Paint Capital Fund Program (LBPCF) - Update and Reissue
Announcement Type:	Initial
Funding Opportunity Number:	FR-6100-N-42A
Primary CFDA Number:	14.888
Due Date for Applications:	**02/19/2019**

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): 2577-0157

I. Funding Opportunity Description.

A. Program Description.

1. Purpose and Summary.

The purpose of the Lead-Based Paint Capital Fund Program is to help Public Housing Authorities (PHAs) identify and eliminate lead-based paint hazards in public housing. In accordance with Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act), and the Consolidated Appropriations Act, 2017, $25,000,000 shall be available for competitive grants to public housing agencies to evaluate and reduce lead-based paint hazards in public housing by carrying out the activities of risk assessments, abatement, and interim controls (as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)). **This second round of funding makes available funds not awarded under the first round of competition.**

2. Changes from Previous NOFA.

This NOFA lowers the score eligible for funding from 75 to 60. Also, the NOFA advises that if new FY19 funds are appropriated by Congress, they may be added to this announcement.

Applicants that previously applied but were not awarded will be automatically reconsidered under this NOFA if they take no additional action. Alternatively, applicants that previously applied may re-submit their applications with edits. Applicants that were awarded under the first round of funding cannot reapply for additional funding for the IMS/PIC Developments/AMPs in that award.

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 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

Abatement means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the EPA. Abatement includes the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead painted surfaces or fixtures, and the removal or covering of lead contaminated soil; and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

Clearance examination means an activity conducted following lead-based paint hazard control to determine that the hazard control activities are complete and that no soil-lead hazards or settled dust-lead hazards, as defined in the Lead Safe Housing Rule (24 CFR part 35, subparts B – R; specifically, here, 24 CFR 35.110 and 35.1320), exist in the dwelling unit or worksite. The clearance process includes a visual assessment and collection and analysis of environmental samples. Dust- lead standards for clearance are found at Sec. 35.1320. Specific requirements for a clearance examination, including the number of units to be sampled, can be found in EPA regulations at 40 CFR Part 745 and in Chapter 15 of the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing ("HUD Guidelines") at HUD

Guidelines.

Interim controls means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs. In accordance with the current HUD Guidelines, interim controls of lead-based paint hazards, including lead-contaminated dust and soil in housing, must include specialized cleaning techniques to address lead dust.

Lead-based paint evaluation means performing lead dust, soil and paint-chip testing, lead-based paint inspections, risk assessments, clearance examination, and engineering and architectural activities that are required for, and in direct support of, interim control and lead hazard control work, of eligible housing units constructed prior to 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil using acceptable testing procedures. Risk assessments and inspections must be in compliance with EPA regulations at 40 CFR Part 745 and the HUD Guidelines, Chapters 5 and 7, posted at HUD Guidelines.

Lead-based paint inspection means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation. Note that lead-based paint inspections are performed by EPA- or State-certified Lead-Based Paint Inspectors or Risk Assessors, and include calibration of the XRF equipment at required intervals, a statistically valid sampling of units and building components within units based on the size of the property and construction history, XRF testing of all painted surfaces, and XRF results downloaded directly from the equipment. Unit-by-unit dust testing, or random paint chip sampling is not sufficient information for a certified lead abatement professional to use to develop a work plan. Specific requirements for a Lead Inspection, including the number of units to be sampled, can be found in EPA regulations at 40 CFR Part 745 and in Chapter 7 of the HUD Guidelines at HUD Guidelines.

Lead-based paint hazard control means the control or elimination of all lead-based paint hazards identified in housing units and in common areas of multi-family housing through either interim controls or lead-based paint abatement, or a combination of both. Lead hazard control must be in compliance with Chapters 11, 12 and 13 of the HUD's Guidelines at HUD Guide lines.

Relocation means carrying out temporary relocation for families and individuals while the remediation is conducted and until the time the affected unit receives clearance for re-occupancy. HUD expects that most temporary relocation for lead hazard control work would be for 30 days or less. Occupancy protection should be in compliance with Chapter 8 of the HUD Guidelines at HUD Guidelines. Temporary relocation of residents must be carried out in compliance with all applicable requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as implemented by 49 CFR part 4 and described in HUD Handbook 1378 – Tenant Assistance, Relocation and Real Property Acquisition (Chapter 2) and the Capital Fund Guidebook at Capital Fund Guidebook. Additional information and resources on the URA, including Handbook 1378, are available at www.hud.gov/relocation.

Risk assessment means an on-site investigation to determine the existence, nature, severity, and

location of lead-based paint hazards; and the provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards. Note that risk assessments are performed by EPA- or State-certified Risk Assessors, and include, for the testing of deteriorated paint for lead, calibration of the XRF equipment at required intervals, a statistically valid sampling of units and building components within units based on the size of the property and construction history, XRF testing of all deteriorated painted surfaces, and XRF results downloaded directly from the equipment. Unit-by-unit dust testing, or random paint chip sampling is not sufficient information for a certified lead abatement professional to use to develop a work plan. Specific requirements for a Risk Assessment, including the number of units to be sampled, can be found in EPA regulations at 40 CFR Part 745 and in Chapter 5 of the HUD Guidelines at HUD Guidelines.

Target housing means any housing constructed prior to 1978, except housing designated for the elderly or persons with disabilities, or any 0-bedroom dwelling (unless a child of less than 6 years of age resides or is expected to reside in such housing), as defined in the Residential Lead-Based Paint Hazard Reduction Act of 1992. The Consolidated Appropriations Act, 2017 revised the definition of target housing to include any 0-bedroom dwelling in which a child who is less than 6 years of age resides or is expected to reside.

Worker Protection means protecting the health and safety of the hazard control workers, supervisors, and contractors. All work shall be done in compliance with relevant OSHA standards for worker protection, including 29 CFR 1926.59 and 1926.62, and/or applicable state or local standards for worker protection, as required by the Lead Safe Housing Rule at 24 CFR 35.145 and 35.150(b), respectively.

4. Resources.

- Grants.gov
- HUD Funds available
- Code of Conduct list
- SAM
- Dun & Bradstreet
- Do Not Pay
- FAPIIS

- Capital Fund Program
- Office of Healthy Homes and Lead Hazard Control
- HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing
- Economic Analysis of the Proposed Rule on Lead-Based Paint

B. Authority.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act), and the

Consolidated Appropriations Act, 2017 (Public Law 115-31, approved May 5, 2017)

II. Award Information.

A. Available Funds.

$6,631,190 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.
If some funds are not expended, they will be recaptured and may be awarded to the next competitive application not funded in the initial competition. FY 2019 funds, if appropriated, may be added to this NOFA.

B. Number of Awards.

HUD expects to make approximately 8 awards from the funds available under this NOFA.

C. Minimum/Maximum Award Information.

Estimated Total Funding:	$6,631,190
Minimum Award Amount:	$25,000 Per Project Period
Maximum Award Amount:	$1,000,000 Per Project Period

D. Period of Performance.

Section 9(j) of the U.S. Housing Act of 1937 (the Act) applies. Unless HUD grants an obligation extension, PHAs must obligate 90 percent of the grant award within 24 months of the date the funds are made available to the PHA. Typically, the obligation end date is 24 months from the date of Capital Fund grant award. The obligation end date will be established by HUD in the Line of Credit Control System (LOCCS). An obligation is a binding agreement (executed by all parties) for work or financing that will result in outlays of Capital Funds by the PHA, immediately or in the future. The entire grant award must be expended fully within 24 months following the obligation end date.

Estimated Project Start Date:	04/16/2019
Estimated Project End Date:	04/15/2023
Length of Project Periods:	48-month project period with four 12-month budget periods

Length of Project Periods Explanation of Other:

E. Type of Funding Instrument.

Funding Instrument Type: Grant

HUD will only accept one Lead-Based Paint Capital Fund application per PHA, per Federal

fiscal year of funding. Applicants may request funding for one or more projects. Applicants that previously applied but were not awarded will be automatically reconsidered under this NOFA if they take no additional action. Alternatively, applicants that previously applied may re-submit their applications with edits. Applicants that were awarded under the first round of funding cannot reapply for additional funding for the IMS/PIC Developments/AMPs in that award.

III. Eligibility Information.

A. Eligible Applicants.

Public housing authorities/Indian housing authorities

Public Housing Authorities with the legal authority to develop, own, modernize and operate a public housing development in accordance with the 1937 Act. Tribes and tribally designated housing entities (TDHEs), nonprofit organizations, and resident associations are not eligible to apply. PHAs that are troubled or under the direction of HUD or a court-appointed receiver are eligible for funding, provided the agency is in compliance with any current Memorandum of Agreement or Recovery Agreements.

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

B. Cost Sharing or Matching.

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

These funds can be used in conjunction with other funds from other sources (e.g. capital funds, state funds) even if the total project cost exceeds the grant limitation of $1,000,000.

C. Threshold Requirements.

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

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

2. Resolution of Civil Rights Matters. Outstanding civil rights matters must be resolved before the application deadline. Applicants who after review are confirmed to have civil rights matters unresolved at the application deadline will be deemed ineligible; the application will receive no

further review, will not be rated and ranked, and will not receive funding.

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

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

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

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

3. Program Threshold Requirements

a. Eligible applications should only propose spending on public housing projects that are considered "target housing" as defined by the Residential Lead-Based Paint Hazard Reduction Act of 1992 as amended by the Consolidated Appropriations Act, 2017 (see section I.A.3, Program Definitions).

Properties eligible for funding under this NOFA must have at least one family with a child under age six at the time of application. HUD will use data in the IMS/PIC system to verify family occupancy for eligible applications after the threshold review is completed. Applicants are responsible for ensuring that the IMS/PIC system contains accurate occupancy information for all projects proposed for funding. Eligible properties may include playgrounds or child-care centers that are part of the public housing project.

b. PHAs with FY 2017 grants being sanctioned for a violation of section 9(j) of the U.S. Housing Act of 1937, as amended, are ineligible for this program.

c. PHAs that have received written notification of violations of the Lead Safe Housing Rule (LSHR) or Lead Disclosure Rule (LDR) from the U.S. Environmental Protection Agency (EPA), HUD, or the U.S. Department of Justice (DOJ), and have not yet resolved these findings are not eligible for these funds. Further, these funds shall not be used to perform any work required by a settlement agreement, consent decree, voluntary agreement, or similar document, with EPA, HUD, or DOJ for violations of the LSHR or LDR.

d. Applications that request more than $1,000,000 in grant funds will not meet the threshold eligibility and will not be reviewed further.

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.

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.)

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.

Compliance with HUD Regulations and Guidelines. PHAs must conduct lead hazard evaluation and control work in compliance with HUD's Lead Safe Housing Rule, the current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, and applicable federal, state and local regulations and guidance, including, but not limited to, the EPA's Renovation, Repair, and Painting (RRP) Rule (found within 40 CFR part 745 and on EPA's ;website). Where State or local standards exceed federal requirements, the more protective requirements shall apply. If the applicant is unsure whether State or local requirements are more protective, contact Lead.Regulations@hud.gov.

Personnel. PHAs shall ensure that all persons performing lead-based paint evaluations and hazard control are currently certified and licensed in the state where the work will be performed. Information about certified lead-based paint professionals can be obtained from your state oversight agency, or from the EPA. More information, including a map of which states are authorized to operate their own lead abatement programs, is at EPA's website for Lead-Based Paint Professionals. Copies of current lead-based paint certificates shall be provided to the PHA in advance of any contract awards. Lead evaluations and clearance examinations shall be

performed by persons or entities independent of the lead hazard control firm, unless the PHA uses in-house employees certified as lead inspections and risk assessors to conduct the evaluations or clearance. A PHA employee shall not conduct both hazard reduction and the clearance examination. The PHA may use a designated representative to oversee the grant activities. The PHA (or the designated representative) shall ensure that all work is performed by persons with the required certifications.

Davis-Bacon Wage Rates. In carrying out activities under this NOFA, all maintenance laborers and mechanics employed in the operation of the Public Housing project shall be paid not less than HUD determined prevailing wage rates. All laborers and mechanics employed in development work in the Public Housing project shall be paid not less than prevailing wages predetermined by the Secretary of Labor under the Davis-Bacon Act.

Procurement. PHAs must comply with all procurement regulations at 2 CFR Part 200.

Insurance. PHAs must also meet the requirements of 24 CFR 965.215 regarding lead-based paint liability insurance coverage.

Testing. All testing, sampling and laboratory analysis for lead must comply with the Lead Safe Housing Rule and conform to the current HUD Guidelines, the EPA Lead Hazard Standards at 40 CF part 745, and federal, state, or tribal regulations developed as part of the appropriate contractor certification program, whichever is most protective of children. All laboratory analyses conducted on paint chips, soil and/or dust samples must be performed by an environmental laboratory recognized by EPA under the National Lead Laboratory Accreditation Program pursuant to the Toxic Substances Control Act (15 U.S.C. 2685). (See the list of labor atories.)

Control/Elimination Strategies. All lead-based paint hazards identified in housing units and in common areas of multifamily housing enrolled in this grant program must be controlled or eliminated by either interim controls or lead-based paint abatement (as defined in section I.A.3.b), or a combination of both in accordance with deadlines established in the regulations at 24 CFR 35.1120. The scope, design, and implementation of interim controls and/or abatement projects shall be based on the recommendations in the risk assessment report for the property(ies).

Interim Controls. A set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, conducted in accordance with the current HUD Guide lines. Interim controls of lead-based paint hazards, including lead-contaminated dust and soil in housing, must include specialized cleaning techniques to address lead dust.

Abatement. Any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards in accordance with standards established by the EPA, and conducted in accordance with the HUD Guidelines.

Because interim controls are temporary measures, and the regulations under 24 CFR Part 35 Subpart L at section 35.1120 require abatement during the course of physical improvements conducted under modernization, HUD strongly encourages PHAs applying under this program to complete abatement of all identified lead-based paint. Interim controls remain an option if the costs of abatement exceed available funds. Where the PHA chooses to complete interim controls, the PHA shall ensure ongoing and at least annual monitoring of identified lead-based paint not abated to ensure control methods have not failed, and/or that new lead-based paint

hazards have not developed. Monitoring of abatement activities other than paint removal is also required, as described in the HUD Guidelines, Chapter 6.

Past Evaluations. If there have been lead evaluations performed in the past, a certified Risk Assessor shall evaluate whether the testing complies with the current version of the HUD Guide lines. If there is no existing lead evaluation (or insufficient testing, based on the review of a Risk Assessor) for the projects proposed, the PHA should have a combination lead inspection and risk assessment performed. Specific requirements for a Lead Inspection, including the number of units to be sampled, can be found in Chapter 7 of the HUD Guidelines. Specific requirements for a Risk Assessment can be found in Chapter 5 of the HUD Guidelines.

Clearance Examinations. Once a grantee completes lead-based paint hazard control, the PHA or designated representative must ensure a clearance examination is performed before occupants can return to the unit or access work areas. Clearance examinations must be conducted by a third-party organization, i.e., not the same the firm that conducted the lead hazard control. Clearance examinations can be performed by the firm selected to perform the initial lead-based paint evaluation, provided that same firm does not do the lead hazard control work.

Documentation. All records and reports generated in conjunction with this grant shall be maintained as long as the property is operated as public housing or with any federal rental assistance. HUD may request these records to review compliance with the Lead Safe Housing Rule, 24 CFR Part 35 Subpart L in accordance with OMB control number 2539-0009. PHAs shall make these records available to Real Estate Assessment Center (REAC) inspectors as part of periodic physical inspections, and disclose all knowledge, records and reports related to lead-based paint and lead-based paint hazards to residents and prospective residents in accordance with 24 CFR Part 35, Subpart A, Lead Disclosure Rule. The PHA must ensure that documentation is provided to them (by the designated representative, if used) so that it may be maintained for grant monitoring activities and determinations of compliance with the LSHR.

Prohibited Practices. PHAs and their contractors or subgrantees are not permitted to engage in practices prohibited under HUD's Lead Safe Housing Rule at 24 CFR 35.140, EPA's RRP Rule at 40 CFR 745.85(a)(3), or EPA's lead abatement rule at 40 CFR 745.227(e)(6).

Threshold Eligibility Items. All threshold requirements in section III.C. remain applicable for the duration of the awarded grant.

F. Criteria for Beneficiaries.

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. 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:

Office of Capital Improvements PIH
Email: PIHOCI@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 not a curable deficiency and will result in your application being declared ineligible for funding.

1. Content.

Forms for your package include the forms outlined below:

Forms / Assurances / Certifications	Submission Requirement	Notes / Description
SF-424	Standard form required for use as a cover sheet for submission of applications and related information under discretionary programs.	Required. This is included in the Application Template downloaded from Grants.gov.
Form HUD-50075.1	Annual Statement Parts I and II to describe the major work to be performed by	May also be completed through the EPIC System, printed to PDF format and submitted with the

	development number.	application.
Form HUD-50071	Certification of Payments to Influence Federal Transactions	If this form was submitted for the FY17 Capital Fund Program, it does not need to be submitted again, unless the information has changed.
Standard Form (SF)-LLL, Disclosure of Lobbying Activities	Use SF-LLL to submit the certification in Appendix A to 24 CFR Part 87 even if they have not participated in any lobbying activities, per 24 CFR Part 87. PHAs must submit Appendix B to Part 86 (SF-LLL) if the PHA has agreed to make any payment using non-appropriated funds which would be prohibited if paid for with appropriated funds.	If this form was submitted for the FY17 Capital Fund Program, it does not need to be submitted again, unless the information has changed.
Grants.gov Lobbying Form	This form is required for all applicants except 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.	It is included in the Application Template downloaded from Grants.gov.
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report		See training at www.hud.gov.
Form HUD-50077 -ST-HCV-HP, PHA Certifications of Compliance with PHA Plans and Related Regulations	In lieu of submitting a new form, PHAs may provide a copy of the HUD-50077 -ST-HCV-HP from the most recent PHA Plan submission (do not submit entire PHA	If this form was submitted for the FY17 Capital Fund Program it does not need to be submitted again, unless the information has changed.

(Standard, Troubled, HCV-Only, and High Performer PHAs)	Plan). MTW agencies may submit a copy of the MTW certifications of compliance submitted with the most recent MTW Agency Plan.	
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.

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

Applicants may not supplement Form 50075.1 with additional narrative, and shall limit responses to the character limits and spacing imposed by the form. In the electronic version of the form, text entry fields are limited to 1000 characters.

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

1. SAM Registration Requirement

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

2. DUNS Number Requirement.

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

3. Requirement to Register with Grants.gov.

Anyone planning to submit grant applications on behalf of an organization must register at

Grants.gov and be approved by the EBiz Point of Contact in SAM to submit applications for the organization.

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

D. Application Submission Dates and Times.

The application deadline is 11:59:59 p.m. Eastern time on **02/19/2019**. Applications must be received no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form. Instructions for submitting your application to Grants.gov are contained in the Application Package you downloaded from Grants.gov. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

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

"Received by Grants.gov" means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov assigns an application tracking number and date- and time-stamps each application upon successful receipt by the Grants.gov system. A submission attempt that does not result in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

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

- Go to www.grants.gov.
- 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.

Eligible Uses of Funds. Eligible activities and costs for the capital fund formula grant program, and associated budget line items continue to apply to this NOFA, with the following restriction: Funds can only be used for the activities of lead-based paint risk assessments, inspections, abatement, interim controls, and clearance examinations. Other work in the property, including work to prepare for lead hazard control (e.g., repairs to the substrate, fixing leaks or other renovations) shall be funded by other sources.

Housing units that have had lead-based paint abated (as demonstrated by documentation of a prior lead evaluation and abatement), and where the abatement is still performing are not eligible for enrollment under this grant program. If the PHA is unsure whether units meet these criteria they may consult with a certified risk assessor, or determine this once the units are evaluated under this program.

Funds under this NOFA may not be used at projects under Commitments to enter into Housing Assistance Payments Contracts (CHAPs) under the Rental Assistance Demonstration (RAD) as authorized under Public Law 112-55 and implementing notices.

Further, these funds shall not be used to perform any work required by a settlement agreement, consent decree, voluntary agreement, or similar document, with EPA, HUD, or DOJ for violations of the LSHR or LDR.

Indirect Cost Rate.

Statutory or Regulatory Restrictions Apply
Awardees shall accept the Federal Negotiated Rate.

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 is 100. Applicants will first be reviewed for eligibility for award, and then competitively scored based on the following rating factors.

Rating Factor 1: Need (60 points)

Rating Factor 2: Soundness of Approach and Cost Estimate (30 points)

Rating Factor 3: Past Performance (10 points)

Rating Factor 1: Need	Maximum Points: 60

HUD will evaluate an applicant's need based on the age and occupancy of the IMS/PIC Development(s)/AMP(s) proposed for funding. HUD will draw this information from the IMS/PIC system based on the information submitted in the 50058 Module and based on the IMS/PIC Development(s)/AMP specified(s) in form HUD-50075.1 including the development number and name. Occupancy information will be pulled from IMS/PIC as of the application deadline to determine the degree to which the property includes occupancy by families with at least one child under age 6. Applicants shall ensure that the construction date records (separate from the date of full availability, or "DOFA") are accurate in IMS/PIC in advance of submitting the application.

Applicants may propose one or more IMS/PIC Developments/AMPs per application for funding. Scattered sites are eligible for funding. For applications that include multiple IMS/PIC Developments/AMPs, HUD will do a weighted average of the year that construction began on each Development/AMP, weighted by the number of units, and use that averaged construction year for scoring. Projects with the oldest construction dates and the highest number of units occupied by families with at least one child under age six will receive the most points. Housing built before 1940 is most likely to contain lead-based paint [1],[2], so points will be awarded as follows:

Average Property Age	**Points**
Construction began on or before December 31,1939	40
Construction began on or after January 1, 1940 and on or before December 31, 1959	30
Construction began on or after January 1, 1960 and or before December 31, 1978	15

Portion of Units Occupied by at Least One Child Under Age Six	**Points**
More than 66% of units	20
Less than or equal to 66% and more than 33% of units	15
Less than or equal to 33% and more than 16% of units	5
Less than or equal to 16% of units and at least one unit	0

[1] Jacobs DE, Clickner RP, Zhou JY, Viet SM, Marker DA, Rogers JW, et al. The prevalence of lead-based paint hazards in U.S. housing. Environ Health Perspect. 2002;110:599–606.

www.ncbi.nlm.nih.gov/pmc/articles/PMC1241046/

[2] Dewalt FG, Cox DC, O'Haver R, Salatino B, Holmes D, Ashley PJ, et al. Prevalence of Lead Hazards and Soil Arsenic in U.S. Housing. Journal of Environmental Health. 2015;78:22-29. www.neha.org/node/6429

Rating Factor 2: Soundness of Approach and Cost Estimate	Maximum Points: 30

In responding to this rating factor, please see section III.E for governing Program Requirements.

Work Description. This rating factor will evaluate the soundness of the proposed plan as identified on the form HUD 50075.1 Parts I & II. Proposed activities shall adhere to guidelines and requirements outlined in sections I.A. III.C., and III.E., including the program description, program purpose, program requirements, eligible program activities, and the needs identified in the application. Eligible program activities include lead-based paint risk assessments, inspections, abatement, interim controls, and clearance examinations.

Form HUD-50075.1 may be completed within the EPIC online system. Use of the system for preparation will help expedite future reporting if the grant is awarded.

The applicant shall propose activities by IMS/PIC development(s)/ AMPs proposed for this grant and describe anticipated lead-based paint evaluation and lead hazard control work by IMS/PIC development(s)/AMP.

The applicant shall propose how it will review past lead-based paint evaluations and abatement previously conducted to determine the types of additional lead-based paint evaluations that should be conducted at the proposed projects. PHAs may work with a professional representative (e.g., architect, engineer, Lead Risk Assessor or Lead-based Paint Project Designer) to conduct this review.

The applicant shall propose how it will identify, within 9 months of award, based on review of previously-conducted evaluations and abatement, the housing units (and the common areas servicing those units) to have lead-based paint abated or its hazards abated or interim-controlled, including enough backup units in case unforeseen obstacles prevent work on the primarily-identified units.

The applicant shall propose a quarterly benchmark schedule for completing lead hazard control work on these units and common areas timely, and evenly or, preferably, faster than evenly, through the period of performance.

Cost Estimate. Within the form, the applicant shall estimate the associated costs of the lead-based paint evaluation and lead hazard control work by IMS/PIC development(s)/AMP.

Applicants should use as many lines as necessary on the 50075.1 form when describing the lead-based paint evaluation, work, and estimated costs per IMS/PIC development/AMP. Reasonable cost estimates will be informed by an analysis of lead-based paint evaluation and work performed already (if applicable), the resources in section I.A.4, especially the HUD Guidelines and the Economic Analysis of the Proposed Rule on Lead-Based Paint. Applicants that are not familiar with these resources will benefit from the services of a professional representative familiar with the HUD Guidelines and lead-hazard control project.

Because the results of the lead-based paint evaluation and the level of lead-based paint hazard

control work required may not be determined until after award, PHAs may use a standard estimate of approximately $10,000 per unit for hazard control in multi-unit properties and $15,000 per unit for single family properties. However, costs may be less than these amounts for properties that have already had lead-based paint evaluation and hazard control other than lead-based paint abatement performed, or for properties that were built after 1960.

If the proposed work costs exceed the maximum award amount for this program of $1,000,000, the PHA can propose a plan to perform interim controls and partial abatement until more Capital Funds are available, or supplement this grant with existing Capital Funds already awarded. If this situation applies to your proposal, please describe your plan for interim controls and partial abatement when describing your work plan.

Applicants that use form HUD-50075.1 Parts I and II to provide a sound and clear, detailed breakdown of proposed lead-based paint evaluation and hazard control by PIC development/AMP will receive maximum points for this sub-factor. A sound work description and cost estimate will be one that has sufficient detail, contemplates the necessary lead-based paint evaluation, and proposes a hazard control strategy based on what lead-based paint evaluation has revealed or is expected to reveal.

Fewer points will be awarded for lack of clarity, lack of detail, not responding fully to the criteria, or proposing ineligible use of funds (eligible uses are listed in section I.A.1).

*****Note the following: Applicants are limited to 1,000 characters per row in the "General Description of Major Work Categories" column when filling out form HUD-50075.1. Applicants may not provide supplemental information to the form in their application, and shall comply with these character limitations.*****

Rating Factor 3: Past Performance	Maximum Points: 10

For this NOFA, past performance will be assessed using criteria in section V.B.1 for the PHA's Capital Fund Grant Program.

A. The ability to account for funds appropriately:

- Financial Assessment Sub-System (FASS) for PHAs score of 20 or greater – 5 points
- FASSPHA score equal to or greater than 15 and less than 20 – 3 points
- FASSPHA score less than 15 - 0 points

B. Meeting program requirements:

- No Office of the Inspector General(OIG) audit findings in 2016 and no Independent Public Accountant (IPA) audit findings in FASSPHA for 2016 – 5 points
- Either OIG audit findings in 2016 or IPA audit findings in FASSPHA for 2016, but not both – 3 points
- Both OIG audit findings in 2016 and IPA audit findings in FASSPHA for 2016 – 0 points

2. Preference Points.

Preference points are not available for this program.

B. Review and Selection Process.

1. Past Performance

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

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

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

2. Assessing Applicant Risk

a. HUD's selection process is designed to ensure that grants are awarded to eligible applicants that submit the most meritorious applications. HUD will consider the information you submit by the application deadline date. After the application deadline date, HUD cannot, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information that you or any third party may want to provide. HUD may verify information in HUD systems (e.g., IMS/PIC).

b. Applications that meet all of the threshold requirements (section III.C) will be eligible for review and rating. Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.

c. Applications that pass all threshold requirements will be scored in accordance with the Rating Factor criteria in section V.A. Applications will be ranked in order of total score (using tie break criteria below as needed). Applications will then be funded in order of rank, subject to funding availability. Applications scoring 60 points or more will be eligible to receive an award.

d. If two or more applications have the same total score and a tie break is needed, they will be rank ordered first by the application with the highest overall Need score, then the highest overall

Soundness of Approach score, and then the highest overall Past Performance score.

e. If there are more eligible applications assigned the same score after the tie break is applied, a lottery will be held to determine the ranking of applications.

f. HUD reserves the right to only partially fund applications based on the selection information above.

g. This NOFA incorporates the Adjustments to Funding and Funding Errors sections from the FY2017 General Section.

h. HUD reserves the right to rescind a grant if information in IMS/PIC is determined to be incorrect.

C. Anticipated Announcement and Award Dates.

HUD expects to make award announcements in December 2018 with awards distributed in financial systems by January 2019.

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.

B. Administrative, National and Department Policy Requirements.

For this NOFA, the following requirements apply:

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 fromthe acquisition, rehabilitation, or demolition of real property for Federal or federally-assisted programs or projects. With certain limited exceptions, real property acquisitions for programs or projects that receive federal financial assistance from HUD must comply with 49 CFR part 24, subpart B.
To be exempt from the URA's acquisition requirements, real property acquisitions conducted without the threat or use of eminent domain, commonly referred to as "voluntary acquisitions," must satisfy the applicable requirements of 49 CFR 24.101(b)(1) through (5). Records demonstrating compliance with these requirements must be maintained by the recipient. The URA's relocation requirements remain applicable to any tenant who is displaced by an acquisition

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

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

Participation in a HUD-Sponsored Program Evaluation.

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

Environmental Requirements.

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

PHAs should include activities funded under this program in the environmental review process performed for the Capital Fund formula grant program. The activities under this NOFA are subject to 24 CFR Part 58 or 50 in accordance with 24 CFR 905.308(b)(2).

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

Note the following update: the paragraph above was written before the Consolidated Appropriations Act, 2017 (Public Law 115-31) was enacted. Section 407 of Div. K, Title IV of the FY2017 act includes the same wording as did the Consolidated Appropriations Act, 2016 cited in the eminent domain paragraph, so that paragraph's prohibitions do apply to grants awarded under this NOFA.

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.

PHAs awarded under this program shall include these activities in the reporting already done as part of the Capital Fund formula grant program.

Conducting Business in Accordance with Ethical Standards

HUD's FY 2018 General Administrative Requirements and Terms for HUD Financial Assistance Awards (www.hud.gov/sites/dfiles/CFO/images/General%20Administration%20Requirements%20and%20Terms%20for%20HUD%20Assistance%20Awards.docx), section 14, Conducting Business in Accordance with Ethical Standards, is incorporated into this NOFA.

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.

Office of Capital Improvements
PIHOCI@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.