



U.S. Department of Housing and Urban Development

Fair Housing and Equal Opportunity

Fair Housing Initiatives Program - Private Enforcement Initiative

FR-6800-N-21-C

11/25/2024

Table of Contents

OVERVIEW	3
I. FUNDING OPPORTUNITY DESCRIPTION.....	3
A. Program Description	3
B. Authority	10
II. AWARD INFORMATION	10
A. Available Funds	10
B. Number of Awards	10
C. Minimum/Maximum Award Information	10
D. Period of Performance.....	11
E. Type of Funding Instrument	11
III. ELIGIBILITY INFORMATION	11
A. Eligible Applicants.....	11
B. Ineligible Applicants	13
C. Cost Sharing or Matching.....	13
D. Threshold Eligibility Requirements	14
E. Statutory and Regulatory Requirements Affecting Eligibility	15
F. Program-Specific Requirements	16
G. Criteria for Beneficiaries.....	19
IV. APPLICATION AND SUBMISSION INFORMATION	20
A. Obtain an Application Package	20
B. Content and Form of Application Submission	21
C. System for Award Management (SAM) and Unique Entity Identifier (UEI).....	26
D. Application Submission Dates and Times	26
E. Intergovernmental Review	29
F. Funding Restrictions	29
V. APPLICATION REVIEW INFORMATION	32
A. Review Criteria	32
B. Review and Selection Process	43
VI. AWARD ADMINISTRATION INFORMATION.....	45
A. Award Notices.....	45
B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards	47
C. Reporting	50

D. Debriefing51

VII. AGENCY CONTACT(S).....52

VIII. OTHER INFORMATION52

APPENDIX.....54

Funding Opportunity Title:

Fair Housing Initiatives Program - Private Enforcement Initiative

Funding Opportunity Number:

FR-6800-N-21-C

Assistance Listing Number:

14.418

Due Date for Applications:

11/25/2024

OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete, ineligible, or noncompetitive proposal.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD's NOFO development and publication, and concludes with the announcement of the selection of recipients of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant's relative standing; 2) the amount of assistance requested by any applicant; and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants who have applied for assistance.

For further information regarding this NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

Paperwork Reduction Act Statement. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. §§ 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. 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. This NOFO identifies the applicable OMB control number, unless the collection of information is excluded from these requirements under [5 CFR Part 1320](#).

OMB Control Number(s):

2529-0033

I. FUNDING OPPORTUNITY DESCRIPTION**A. Program Description****1. Purpose**

The Fair Housing Initiatives Program (FHIP) provides funding to eligible non-profits and other fair housing organizations through competitive grants. These grants support enforcement, education, and outreach activities to prevent or eliminate discriminatory housing practices not allowed under the Fair Housing Act (FHA).

FHIP's Private Enforcement Initiative (PEI) provides funding to eligible private, non-profit fair housing enforcement organizations, to conduct testing, investigate violations and obtain enforcement of the rights granted under the FHA or State or local laws that have substantially equivalent rights and remedies as those provided by the FHA. This NOFO announces the availability of approximately \$9,691,793 to fund new FY2024 grant awards of up to \$425,000 per year per grantee, with future years' funding subject to appropriations. Beginning in FY2024, applicants will apply for a **four-year grant**.

2. HUD and Program-Specific Goals and Objectives

HUD's Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all. This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success.

HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals and several objectives undergird the Plan; however the following goals are applicable to this NOFO.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

Applicable Goals and Objectives from HUD's Strategic Plan

Strategic Goal 1: Support Underserved Communities

Fortify support for underserved communities and support equitable community development for all people.

1A: Advance Housing Justice

Fortify support for vulnerable populations, underserved communities, and Fair Housing enforcement.

1B: Reduce Homelessness

Strengthen Federal, State, Tribal, and community implementation of the Housing First approach to reducing the prevalence of homelessness, with the ultimate goal of ending homelessness.

1C: Invest in the Success of Communities

Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.

Strategic Goal 3: Promote Homeownership

Promote homeownership opportunities, equitable access to credit for purchase and improvements, and wealth-building in underserved communities.

3B: Create a More Accessible and Inclusive Housing Finance System

Advance new policy, programs, and modernization initiatives that support a more equitable housing finance system. Promote the preservation and creation of affordable housing stock.

Strategic Goal 4: Advance Sustainable Communities

Advance sustainable communities by strengthening climate resilience and energy efficiency, promoting environmental justice, and recognizing housing's role as essential to health.

4B: Strengthen Environmental Justice

Reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color.

4C: Integrate Health and Housing

Advance policies that recognize housing's role as essential to health.

3. Changes from Previous NOFO

a. Section II. D. Period of Performance

The period of performance for new FY2024 grants is 48 months (4 years), subject to future appropriations. The FY2023 NOFO accepted applications for grants for a 36-month (3 year) period of performance, subject to future appropriations.

b. Section III. F. Program Specific Requirements

Experience Promoting Racial Equity language was moved to Section III. F. (from Section V. B. 3. in the FY2023 NOFO). Applicants must submit a separate narrative to address the Experience Promoting Racial Equity requirements of the FY2024 NOFO.

c. Section III. G. 3. Testing Requirements

Applicants are no longer *required* to conduct criminal background checks of fair housing testers, due to the amendment to 24 CFR §125.107, effective May 3, 2024.

4. Definitions

a. Standard Definitions

Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant's activities and programs relating to housing and urban development.

Assistance Listing number refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

Authorized Organization Representative (AOR) is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business

Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

Expanded Authorized Organization Representative is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

Standard Authorized Organization Representative is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

Consolidated Plan is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). This plan is completed by engaging in a participatory process to assess 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 part 91](#) for HUD's requirements regarding the Consolidated Plan and related Action Plan).

Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

Contractor means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

Cooperative agreement has the same meaning defined at [2 CFR 200.1](#).

Deficiency, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

A Curable Deficiency is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable, the deficiency must:

- Not be a threshold requirement, except for documentation of applicant eligibility;
- 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.

A Non-Curable Deficiency is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

E-Business Point of Contact (E-Biz POC) is an individual associated with the applicant organization who is responsible for the administration and management of award activities for the applicant organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Authorized Organization Representative definition). There can only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

Eligibility requirements are mandatory requirements for an application to be eligible for funding.

Environmental Justice means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing environmental laws and policies in a manner that advances equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how Federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations.

Equity has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

Federal award, has the meaning, depending on the context, in either paragraphs (1) or (2) of this definition:

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#); or

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

Federal Financial Assistance has the same meaning defined at [2 CFR 200.1](#).

Grants.gov is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

Green and Resilient Building Standard means an industry-recognized standard incorporating both:

- (1) Certification under (i) Enterprise Green Communities, (ii) Leadership in Energy and Environmental Design (LEED) (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development), (iii) International Code Council (ICC)-700 National Green Building Standard Green+ Resilience; or the (iv) Living Building Challenge, or (v) a regional standard such as Earth Advantage New Homes; or (vi) any other equivalent comprehensive green building program acceptable to HUD; and
- (2) Minimum energy efficiency requirements, such as those defined in (i) ENERGY STAR (Certified Homes or Multifamily High-Rise), (ii) DOE Zero Energy Ready Home; (iii) Passive House Institute Passive Building or EnerPHit certification from the Passive House Institute US (PHIUS), International Passive House Association; or (iv) any other equivalent energy efficiency standard acceptable to HUD.

Historically Black Colleges and Universities (HBCUs) are any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. [A list of accredited HBCUs can be found at the U.S. Department of Education's website.](#)

Minority-Serving Institutions (MSIs) are

- (1) a part B institution (as defined in [20 U.S.C. § 1061](#)(2));
- (2) a Hispanic-serving institution (as defined in [20 U.S.C. § 1101a\(5\)](#));
- (3) a Tribal College or University (as defined in [20 U.S.C. § 1059c](#)(b)(3));
- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in [20 U.S.C. § 1059d\(b\)](#));
- (5) a Predominantly Black Institution (as defined in [20 U.S.C. § 1059e](#)(b)(6));
- (6) an Asian American and Native American Pacific Islander-serving institution (as defined in [20 U.S.C. § 1059g](#)(b)(2)); or

(7) a Native American-serving nontribal institution (as defined in [20 U.S.C. § 1059f\(b\)\(2\)](#)).

Non-Federal Entity (NFE) 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.

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

Promise Zones (PZs) are high poverty areas in select urban, rural and tribal communities designated from 2014-2016 where the Federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community.

[See Promise Zones.](#)

Racial Equity is the elimination of racial disparities and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons.

Recipient means an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

Resilience is a community's ability to minimize damage and recover quickly from natural disasters, extreme weather events, and other changing climate conditions.

Small business is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of “small”—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR part 121](#).

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 an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

System for Award Management (SAM) is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

Threshold Requirements are eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements.

Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

Underserved Communities has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity” above.

Unique Entity Identifier (UEI) means the identifier assigned by SAM to uniquely identify entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

b. Program Definitions.

FHIP Program Definitions relevant to the FY2024 FHIP NOFOs can be found here: [FY2024 FHIP NOFO PROGRAM DEFINITIONS.pdf \(hud.gov\)](#)

B. Authority

1. FHIP is authorized by section 561 of the Housing and Community Development Act of 1987, as amended (42 U.S.C. 3616a). The implementing regulations are found at 24 CFR part 125.

2. Funding for this NOFO is provided by the Consolidated Appropriations Act, 2024 (Public Law 118-42, approved March 9, 2024).

II. AWARD INFORMATION

A. Available Funds

Funding of approximately **\$9,691,793** is available through this NOFO.

Additional funds may become available for award under this NOFO consistent with VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

The remaining amount of approximately \$32,208,207 in FY2024 appropriations for PEI will be used to fund continuing FY2023 (second year) and FY2022 (third year) grantees outside of this NOFO. The maximum funding amount for all second year FY2023 and third year FY2022 PEI-MY grantees is \$425,000 subject to the availability of funds appropriated by Congress.

B. Number of Awards

HUD expects to make approximately 23 awards from the funds available under this NOFO.

The number of awards depends on the number of eligible applicants and other factors. For information on the methodology used to make award determinations and the reallocation of funds under this NOFO, please see Section V. B. Review and Selection Process.

C. Minimum/Maximum Award Information

Estimated Total Funding:

\$9,691,793

Minimum Award Amount:

\$100,000

Per Project Period

Maximum Award Amount:

\$425,000

Per Project Period

D. Period of Performance

Estimated Project Start Date:

04/30/2025

Estimated Project End Date:

04/30/2029

Length of Project Periods:

48-month project period and budget period

Length of Periods Explanation of Other:

The period of performance is 48-month in total, consisting of four separate consecutive 12-month project periods. All grant funds should be obligated within six months of award and must be expended within the specific time frames established in negotiations.

E. Type of Funding Instrument

Funding Instrument Type:

G (Grant)

HUD will award a grant agreement to each applicant selected for an award. The grant agreement will set forth the relationship between HUD and the awardee, where the principal purpose is the transfer of funds, property, services, or anything of value to the awardee to accomplish an eligible public purpose.

The agreement will identify the eligible activities to be undertaken, financial controls, special conditions, reporting requirements including sub-recipient reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, integrity requirements under Section 872 of the Duncan Hunter Defense Authorization Act of 2009 and will include consequences and sanctions for violations of the agreement. HUD will monitor progress to ensure that the awardee achieves the objectives set out in the agreement with the expected time-frames, as applicable. Failure to meet such objectives may be the basis for HUD determining the awardee to be in default of the grant agreement and for exercising available sanctions, including suspension, termination, and/or recapture of funds. HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

HUD will conduct monitoring reviews, request quarterly reports, and approve all proposed deliverables in the applicant's Statement of Work (SOW).

III. ELIGIBILITY INFORMATION

A. Eligible Applicants

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

Additional Information on Eligibility

Under this NOFO, an eligible applicant must be: (1) a Qualified Fair Housing Enforcement Organization (QFHO) with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and enforcement related experience of meritorious claims in the three years prior to filing this application; or (2) a Fair Housing Enforcement Organization (FHO) with at least one year of experience in the enforcement-related activities listed above during the two years prior to the filing of the application. To apply for funds, FHOs and QFHOs must currently do all the enforcement activities listed above and operate a broad-based and full-service program. Applicants must complete Appendix B, "Certification for PEI Applicants," to certify QFHO or FHO status.

If an organization does not currently qualify as a QFHO or FHO (see 24 CFR §§ 125.103 and 125.401), it may be eligible to apply under the FHIP Education and Outreach Initiative (EOI) (FR-6800-N-21-A), Tester Coordinator Training (FR-6800-N-71-A), and/or Fair Housing Organizations Initiative (FHOI) (FR-6800-N-21-B) NOFOs. Please see each NOFO for specific eligibility requirements. If an applicant applies for both a PEI and FHOI Continuing Development Component (CDC) grant and receives an award for both, funding for the FHOI-CDC will be rescinded if a determination is made that the activities for both awards are exactly alike or substantially similar.

Eligible Activities

Eligible activities include, but are not limited to:

- activities to investigate violations and obtain enforcement of the rights granted under the Fair Housing Act or State or local laws that provide rights and remedies for discriminatory housing practices that are substantially equivalent to the rights and remedies provided in the Fair Housing Act ("housing discrimination");
- intake of allegations of housing discrimination;
- referrals of allegations of housing discrimination;
- complainant counseling, advocacy, or other assistance designed to enforce rights against housing discrimination;
- investigations into allegations of housing discrimination, including discrimination based on sexual orientation or gender identity; discrimination based on source of income where that is a protected class or where such discrimination may be based on another protected class; discrimination resulting from criminal history or other screening policies; or discrimination in residential real estate related transactions, including mortgage lending, appraisal, and/or algorithmic discrimination;
- systemic housing investigations;
- testing activities including training, test coordination, and evaluation of testing results to uncover evidence of housing discrimination;
- other investigative methods designed to uncover housing discrimination;
- mediation or other voluntary resolution of allegations of housing discrimination; and
- enforcement activities of meritorious claims, including litigation and procuring expert witnesses.

Activities are eligible only in cases involving conduct prohibited by, or rights protected under, the FHA and/or substantially equivalent state or local fair housing laws.

Evidence suggests that racial and ethnic biases have been contributing factors to the depressed values that appraisers in sale/purchase transactions assign to properties in majority Black and Latino neighborhoods.

HUD will allow applicants under this NOFO to modify their activities in the second, third, and/or fourth year with approval of the Government Technical Representative (GTR) and Government Technical Monitor (GTM) based upon changing demographics and/or need. All applicants must review Appendix A for guidance on the format that should be used to list the applicant's proposed tasks/activities. If an applicant reduces the overall number of its activities or the overall complexity of the activities during negotiations or through future grant amendments, the grant award amount will be reduced.

Faith-based organizations

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR part 5.109](#), and subject to the protections and requirements of 42 U.S.C. § 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. § 2000bb et seq., 42 U.S.C. § 238n, 42 U.S.C. § 18113, 42 U.S.C. §§ 2000e-1(a) and 2000e-2€, 42 U.S.C. § 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

B. Ineligible Applicants

HUD does not award grants to individuals.

Co-applicants or members of a consortium are not eligible applicants under this NOFO.

HUD will not evaluate applications from ineligible applicants, including those that do not meet the threshold, statutory and regulatory, or program eligibility requirements under III.D, E and F.

C. Cost Sharing or Matching

This Program does not require cost sharing or matching.

Applicants that propose cost sharing or matching in their application will be required to provide the cost sharing or matching if selected.

D. Threshold Eligibility Requirements

Applicants who fail to meet any of the following threshold eligibility requirements are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

1. Resolution of Civil Rights Matters

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD’s satisfaction before or on the application deadline date for this NOFO.

(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 (including sexual orientation and gender identity), national origin, disability or familial status;

(2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States 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, Violence Against Women 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; Violence Against Women Act; 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:

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

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

- (3) 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;
- (4) Current compliance with a consent order or consent decree;
- (5) Current compliance with a final judicial ruling or administrative ruling or decision; or
- (6) Dismissal of charges.

2. Timely Submission of Applications

Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

3. Minimum Score. To be considered for funding, applicants must have a score of at least 75 points from the Technical Evaluation Panel (TEP), not including any preference points.

4. Ineligible Activities. An applicant will not receive funding if more than 50% of their proposed activities are not eligible activities.

5. Suits Against the United States. An applicant will not get funding if in the past three years they use FHIP funds to pay expenses for a lawsuit against the United States (24 CFR §125.104(f)).

6. Other Litigation. An applicant is ineligible for funding if the organization proposes in its current application or used funds provided by HUD (within the last 3 years) to fund or support the settlement of a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (42 U.S.C. §3616a(i)).

E. Statutory and Regulatory Requirements Affecting Eligibility

Eligibility Requirements for Applicants of HUD's Financial Assistance Programs

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the "[Eligibility Requirements for Applicants of HUD's Competitive Programs](#)" document on HUD's Funding Opportunities page. Applicants who fail to meet any of these eligibility requirements are deemed ineligible to receive HUD funding.

1. Universal Identifier and System for Award Management (SAM.gov) Requirements
2. Outstanding Delinquent Federal Debts
3. Debarments or Suspensions, or both
4. Mandatory Disclosure Requirement
5. Pre-selection Review of Performance
6. Sufficiency of Financial Management System
7. False Statements
8. Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [2 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR 170.110](#).

F. Program-Specific Requirements

1. The applicant must demonstrate in its application that it will run a broad-based and full-service project (as defined under section I.A.4.b, Program definitions). If the applicant has income restrictions for services, the application must identify the restriction(s), and describe how individuals who fall outside the restrictions will be equally served.
2. Fair Housing Related Activities. All program related tasks/activities and costs within the SOW and budget must be fair housing related activities and **must demonstrate an explicit connection to the non-discrimination and affirmatively furthering fair housing provisions of the FHA.**
3. Fair Housing Act/Protected Classes. All FHIP-funded projects must address housing discrimination based on race, color, religion, sex (including sexual orientation and gender identity; see Application to the Fair Housing Act of the Supreme Court's decision in *Bostock v. Clayton County, GA*, [Bostock Legal Memorandum 02-09-2021.pdf \(hud.gov\)](#)), disability, familial status, and national origin and further the non-discrimination provisions of the Fair Housing Act and/or the obligation to affirmatively further fair housing. All services and activities must be available to all protected class members. The application's proposed activities must reflect the commitment to address housing discrimination affecting members of all the above protected classes.
4. Eligibility Following Organizational Corporate Structural Changes. HUD recognizes that QFHOs and FHOs may undergo corporate restructuring, including through merger, acquisition, or the like. A resulting organization does not simply inherit QFHO or FHO status, but instead must demonstrate its own qualifications to bear such status. To determine if the resulting organization qualifies as a QFHO or FHO, HUD will examine the enforcement-related experience of the resulting organization as it is constituted after the corporate change.

If HUD determines that the organization is eligible, then HUD will issue a new award agreement and require submission of a Code of Conduct for the new organization and an establishment of the new eLOCCS account. In addition, the new organization must secure a new Unique Entity Identifier (UEI) and have an active registration in SAM before HUD will make the award to the new organization or allow additional funds to be drawn.
5. Grantees that received FY2023 or FY2022 PEI funding are ineligible to receive a new FY2024 PEI award.
6. HUD will not fund an organization if the parent or its affiliate/subsidiary organization has an open grant (previously funded) under this same PEI component and will not fund both a parent organization and its affiliate/subsidiary organization under this NOFO for the same component. In addition, HUD will not allow affiliate and parent organization staff sharing protocols whereby the parent organization shares key staff with an affiliate(s). All funded organizations must be fully independent functional enforcement organizations able to conduct business on an ongoing basis without support from a parent or its staff to complete proposed program activities, and must be set apart from the parent organization.
7. A parent organization that is a QFHO or an FHO with a separate Employer Identification Number (EIN) does not mean that an affiliate organization automatically gets QFHO or FHO status. Instead, HUD will determine if the affiliate organization has the required two years of

enforcement related experience independent from that of the parent organization for QFHO status, or one year of independent staff and organizational experience for FHO status.

8. 501(c)(3) Status. Applicants must be a 501(c)(3) tax-exempt organization or have a 501(c)(3) application pending prior to the application deadline date. Applications must include the IRS report showing 501(c)(3) status or pending application status. If an organization with a pending 501(c)(3) application is selected for an award the 501(c)(3) renewal must be approved prior to release of funding. If the pending application is denied, the award selection will be rescinded. All awardees must maintain 501(c)(3) status throughout the grant period of performance.

9. Funding Request exceeding the Maximum Amount. The application will be ineligible if the applicant requests funding over the maximum amount allowed, even if due to miscalculations or inconsistencies in the application.

10. Inconsistencies in the Requested Amount or Miscalculations. If inconsistent amounts are requested in the application, the amount stated on the SF-424 will be deemed the controlling amount for purposes of determining the funding amount if the applicant is selected for an award.

11. Prior Performance Rating. An organization is ineligible for funding if it received a "poor" rating on its most recent performance assessment on any prior FHIP grant within the past year, and will remain ineligible for a period of one (1) year unless the organization provides evidence that the rating was overturned through an appeal or that another resolution was accepted by the Government Technical Representative/Government Technical Monitor (GTR/GTM) to improve future performance. Furthermore, if applicant receives a "poor" performance rating on another FHIP grant *after* the applicant is selected for an award or after receipt of funding under this NOFO, all remaining FHIP grant funds received under this NOFO will be rescinded, and the organization will remain ineligible for funding for a period of one year unless it provides evidence as stated above.

12. Research/Survey Activities. Applicants are ineligible for funding if their project is aimed solely at research or data gathering. If a successful application contains research and related activities, only the eligible portions of the application will be funded. In addition, proposed surveys must be approved by HUD and the OMB under the Paperwork Reduction Act before the application submission, or the activity is deemed ineligible.

13. Applicants and recipients are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.*, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; *see also* 24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25. HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.

14. Funding awarded under this grant must be used for the specific activities included in the application submitted under this PEI NOFO only. Funded applicants may not co-mingle funds to support other FHIP grant activities.

15. Rating Factors. An application that includes **no** narrative responses to **any** of the four Rating Factors will be deemed ineligible.

16. Single Audit Requirement. Through September 30, 2024, all grantees who have expended \$750,000 or more in Federal financial assistance within a single year (program or fiscal year)

must be audited in accordance with the requirements as established in 2 CFR Part 200.501. Applicants that submit an application on or after October 1, 2024 are subject to the 2 CFR 200 modifications which increase the single audit threshold amount to \$1,000,000 for the funds that are the subject of that application. Therefore, a successful applicant that receives \$1,000,000 or more in Federal financial assistance during a single year, including funding from this NOFO must set aside funds in its application to complete the audit.

17. Independence of Awards. The application submitted must be independent and capable of being implemented without reliance on other applications, or other grantees(s), including staff sharing protocols of key staff. Applicants may not use the performance (e.g., performance assessment rating or successfully completed activities) of another organization to meet the requirements of Rating Factor 1.

Advancing Racial Equity

In accordance with Executive Order [13985](#), Executive Order 14091, *Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government*, and Federal fair housing and civil rights laws, your application must address the following:

- You analyzed the racial composition of the persons or households who are expected to benefit, directly or indirectly, from your proposed award activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed award activities;
- You detailed the steps you will take to prevent, reduce, or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your award activities.

Note that any actions taken in furtherance of this section must be consistent with Federal nondiscrimination requirements.

Applicants must satisfy the above requirements in a separate one page narrative entitled Advancing Racial Equity.

This narrative is required and must address the four bullets outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

Affirmative Marketing and Outreach

Any outreach or marketing conducted under a HUD award must be conducted broadly throughout the local area and nearby areas and targeted to reach any eligible persons in demographic groups that would be unlikely or least likely to be aware of the benefits of a HUD award absent such efforts, or entities that serve such groups. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Strategies for affirmative marketing or outreach include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. You

must submit a narrative describing the affirmative marketing/outreach activities that will be conducted if you are selected for a HUD award.

Applicants will address the issues outlined in the paragraph above in response to Rating Factor 2.

Experience Promoting Racial Equity

In accordance with Executive Order 13985, Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Federal fair housing and civil rights laws, your application must demonstrate that the applicant has the experience and/or the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

Applicants must satisfy the above requirements in a separate one-page narrative titled Experience Promoting Racial Equity.

This narrative is required and must address the issues outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

Affirmatively Furthering Fair Housing

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations and how applicants will meet the requirements of the definition of affirmatively furthering fair housing at 24 CFR 5.151. If the applicant will carry out proposed activities with an Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

Applicants will address this requirement in response to Rating Factor 2.

G. Criteria for Beneficiaries.

1. Testing Requirements. In accordance with the amendment to FHIP Regulation 24 CFR §125.107, when fair housing testing is being performed applicants are no longer *required* to conduct a criminal background check of potential testers. Applicants may choose to conduct lawful criminal background checks in accordance with their organizational policies; reasonable costs associated with criminal background checks for fair housing testers are an allowable budget expense. All other requirements of 24 CFR §125.107 remain applicable.

2. Review and Approval of Testing Training Materials. If funded, during negotiations HUD may require the applicant to submit copies of these documents to HUD for review:

- (1) All training materials to be provided for testing training; and
- (2) Other forms, protocols, cover letters, etc., used in the conduct of testing and reporting of results.

3. Training Funds.

a. The applicant's proposed budget must set aside exactly \$7,500 annually to participate in HUD sponsored training. This training may include topics such as appraisal and/or algorithmic bias. It may also include discrimination resulting from criminal records policy that violates the FHA and/or similar state or local fair housing laws

b. If an applicant is awarded more than one FHIP grant (under more than one initiative and/or component), HUD reserves the right to examine the requested training needs. If additional training funds are not needed, HUD reserves the right to transfer funds back to fair housing activities during negotiations. Failure to use the funds for training and/or fair housing activities will result in the grantee returning funds to HUD.

c. If an applicant is a successful grantee for more than two FY2024 awards, the applicant will not be permitted to set aside more than \$15,000 per year during the grant period of performance for training purposes. Any amount in excess of \$15,000 per annum for a single grantee for training purposes as a result of multiple awards will be reduced by the GTR/GTM during negotiations, and the excess funds transferred back to fair housing activities. In addition, the \$7,500 in annual training funds must either be expended, or the grantee must have a clearly established plan to expend the funds, by the end of the third quarter of the grant period of performance. HUD reserves the right to require the return of any training funds not expended or subject to a clearly established plan for expenditure by the third quarter of the grant period of performance.

IV. APPLICATION AND SUBMISSION INFORMATION

A. Obtain an Application Package

Instructions for Applicants

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic application submission requirements. HUD will not grant a waiver if you fail to submit to HUD by email or postmark by mail a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

Stephanie Thomas

Email:
Stephanie.W.Thomas@hud.gov

HUD Organization:
FHEO

Street:
451 7th Street SW

City:
Washington

State:
DC DISTRICT OF COLUMBIA

Zip:
20410

All waiver requests will be submitted to FHEO's Assistant Secretary or designee for a final determination. If you are granted a waiver, the notification will provide instructions on where and how to submit the application.

NOTE: Paper copy applications must be received by HUD HQ no later than 4:30 PM Eastern Standard Time on the application deadline date. There is no grace period for paper application submissions.

HUD recommends applicants send paper applications via a courier that provides a receipt of delivery. All applicants will receive confirmation (via Form HUD 2993) of HUD's receipt of the application, but confirmation might not be received by the submission deadline.

A paper application submitted without a waiver granted will not be accepted and will be returned to sender.

B. Content and Form of Application Submission

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, but is under the wrong Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, and will be rejected, unless otherwise stated under the Threshold requirements section. When applying with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible applications.

1. Content

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Application for Federal Assistance (SF-424)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Applicant and Recipient Assurances and Certifications (HUD 424-B)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant/Recipient Disclosure/Update Report (HUD 2880)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Disclosure of Lobbying Activities (SF-LLL)	This form is conditionally required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Certification Regarding Lobbying Activities	This form is required.	
Federal Assistance Representations and Certifications	This form is required via sam.gov	To assure compliance with statutory requirements for HUD programs, you must complete the “Federal Assistance Representations and Certifications” section of your sam.gov registration. HUD and OMB use information reported within sam.gov for general management of Federal assistance awards programs. For more information on how to update your sam.gov registration, visit SAM.gov or the Federal Service Desk, FSD.gov. You can search for help at FSD any time or request help from an FSD agent Monday-Friday 8 a.m. to 8 p.m. ET.
Grant Application Detailed Budget Worksheet (HUD-424-CBW)		This form is contained within the Instruction Package.
Certification of Consistency with Promise Zone Goals and Implementation (HUD-50153)	This form is required if the applicant seeks Promise Zone	This form is contained within the Instruction Package.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	Preference Points.	
Minority Serving Institutions Preference Points - Documentation	This documentation is required if applicant seeks Minority Serving Institution (MSI) Preference Points.	See NOFO Section V.A.2 below.

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

- a. Separate narrative response to the criteria for each Rating Factor (1, 2 3 and 4) as described in Section V. Application Review Information.
- b. Project Abstract –Use Appendix C or a similar format to submit. The Project Abstract includes:
 - i. Initiative and Component,
 - ii. Amount of funding requested,
 - iii. Whether the organization is a new FHIP applicant,
 - iv. Grant purpose,
 - v. Activities to be performed,
 - vi. Expected outcomes,
 - vii. Intended beneficiaries, and
 - viii. Subrecipient activities or a statement that applicant does not intend to use subawards.
- c. SOW Charts (see Appendix A for sample chart) for each year of funding.
- d. Applicable Rating Factor lists or charts as described in Section V. of this NOFO.
- e. Completed Appendix B, PEI Eligibility Certification.
- f. Proof of tax-exempt status.

- g. Advancing Racial Equity Narrative.
- h. Experience Promoting Racial Equity Narrative.

2. Other Submission Requirements

a. Standard Application, Assurances, Certifications and Disclosures

(1) Standard Form 424 (SF-424) Application for Federal Assistance

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary awards, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, 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, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

(2) Assurances (HUD 424-B)

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with Federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 CFR §§ 1.5; 3.115; 8.50; and 146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general Federal nondiscrimination requirements in the administration of the Federal assistance award.

(3) Applicant Disclosure Report Form 2880 (HUD 2880)

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the HUD Reform Act . Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as

intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. § 1437f](#)). [See 24 CFR part 4 for additional information.](#)

(4) Code of Conduct

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards-- 2024, as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

(5) False Statements

Applicant understands that providing false or misleading information during any part of the application, award, or performance phase of an award may result in criminal, civil or administrative sanctions, including but not limited to: fines, restitution, and/or imprisonment under 18 USC 1001, 18 USC 1012, or 18 USC 287; treble damages and civil penalties under the False Claims Act, 31 USC 3729 et seq.; double damages and civil penalties under the Program Fraud Civil Remedies Act, 31 USC 3801 et seq.; civil recovery of award funds; suspension and/or debarment from all federal procurement and non-procurement transactions, FAR Part 9.4 or 2 CFR Part 180; and other remedies including termination of active HUD award.

(6) 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 Federal award. All applicants must submit with their application the signed “Certification Regarding Lobbying” form. 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 awards. 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.

All applicants must submit signed lobbying forms identified in Section IV. B. 1. above. If an applicant does not participate in lobbying activities, you may state on the form that it is not applicable to your organization.

3. Format and Form

Narratives and other attachments to your application must follow the following format guidelines. Do not submit password protected or encrypted files.

10 Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides.

a. Points may be deducted for a narrative response exceeding the 10-page limit. HUD will not read materials in excess of the 10-page limit, except for materials expressly excluded from the page limits. The narrative pages must be double-spaced, including all text, titles and headings.

b. The following items do not count towards the 10-page maximum: Rating Factor 3 responses, Rating Factor lists and charts expressly excluded from page limits as provided in NOFO Section V.A.1, the Advancing Racial Equity Narrative, and the Experience Promoting Racial Equity Narrative.

C. System for Award Management (SAM) and Unique Entity Identifier (UEI)

1. SAM Registration Requirement

You must register at www.sam.gov before submitting an application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that a Federal award within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

2. UEI Requirement

All entities doing business with the Federal government must use the UEI created in SAM.gov. Your application must include a valid UEI that is registered and active at www.sam.gov. **When submitting an application with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible application.**

3. Requirement to Register with Grants.gov

Anyone planning to submit applications on behalf of an organization must register at Grants.gov and be approved by the E-Biz POC 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 apply through Grants.gov. Complete registration instructions and guidance are provided on Grants.gov.

An applicant that submits an application with the incorrect UEI because of a typographical error will be given the opportunity to cure the error, provided the applicant organization had a valid registered UEI on the date and at the time the application was submitted.

D. Application Submission Dates and Times

1. Application Due Date Explanation

The application deadline is 11:59:59 PM Eastern time on

11/25/2024

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

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting 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 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 applying.

HUD strongly recommends you review your application before you submit it at Grants.gov. Also, HUD recommends you submit your application at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

2. Grants.gov Customer Support

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to support@grants.gov. The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, as well as individuals who have speech or other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

3. Grants.gov Application Submission

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:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column. To view more detailed submission information, click the Details link in the Actions column.

- To download the submitted application, click the Download link in the Actions column.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should you seek their assistance.

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.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also publish the extension on Grants.gov.

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.

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

4. Amend or Revise an Application

Before the submission deadline, you may amend a validated application through Grants.gov by submitting a revised and complete application including the new or changed material. The revised 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.

5. 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, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

6. Late Applications

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding

consideration. Improper or expired registration and password issues are not sufficient causes to allow HUD to accept applications after the deadline date.

7. Corrections to Deficient Applications

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

You 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 be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day 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 or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). 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 containing the wrong UEI as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

8. Authoritative Versions of HUD NOFOs

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

9. Exemptions

Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the [Religious Freedom Restoration Act](#) (RFRA).

E. Intergovernmental Review

This program is not subject to [Executive Order 12372, Intergovernmental Review of Federal Programs](#).

F. Funding Restrictions

1. **Retainer Fees.** FHIP recipients are under specific restrictions regarding establishment of retainer agreements and recovery of legal fees from HUD-funded cases. Data on fees, settlements, and verdicts are matters of public record. Awardees must provide this

information to HUD annually. Neither the grantee nor the individual(s) on whose behalf any action is filed can request that HUD waive these provisions.

2. **Reimbursement Requirement.** In accordance with 2 CFR § 200.307, a grantee must use program income to support grant activities (direct and indirect costs) and/or fair housing activities in support of the current grant. The grantee is required to maintain appropriate records to support actual expenditures by budget line item of funds used. To use these funds the grantee must provide: (1) a detailed explanation of how the program income was earned, to the GTR and Grant Officer within thirty days (30) before the end date of the grant period of performance; and (2) the grantee must submit a request to the Grant Officer outlining the planned use of the program income and receive the Grant Officer's approval. If the grantee cannot or does not use the program income to support grant activities and/or fair housing activities in support of the grant, then in accordance with 2 CFR 200.307 the funds must be returned to HUD to reduce the federal award and/or defray program costs.
3. **Performance Standards.** Applicants must maintain an annual performance assessment rating from the FHIP HUD GTR as “good” or funding may be reduced until performance issues are resolved, and if unresolved, HUD has a right to rescind funding.
4. **Number of Awards.** An organization may not receive more than one award under this PEI NOFO. This restriction includes organizations with separate EIN’s that apply separately for funding under but identify more than one of the same direct personnel and/or key staff for both organizations (i.e. key staff sharing).
5. **Limitations for Education and Outreach.** A limit of up to fifteen percent (15%) of the total dollar amount awarded is allowed for education and outreach related activities that support fair housing enforcement. If the limit is exceeded, points will be deducted in the rating process, and if the applicant is awarded, funds will be adjusted to comply with the limitation.
6. **Administrative Costs.** Salaries, fringe benefits, and other administrative costs charged against the project or a program element for the sole purpose of administering the grant agreements shall not exceed 10% of the annual grant award (Federal and cost share). All salaries and fringe benefits related to these functions are considered administrative costs. Examples of administrative costs include but are not limited to: preparation and submission of grant applications, fiscal tracking of grants funds, maintaining project files and performance measures, collection and submission of deliverables, accounting staff wages and benefits, building rent, consulting expenses, management wages and benefits (such as Executive Director and support staff), depreciation of office equipment, insurance, legal staff wages and benefits, and office supplies. Building rent is eligible only under the following conditions: the rent must be for existing facilities not requiring rehabilitation or construction except for minimal alterations to make the facilities accessible for a person with disabilities; no repairs or renovations of the property may be undertaken with funds under this NOFO; and properties in the Coastal Barrier Resources System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased or rented with federal funds.
7. **Non-administrative Costs.** Salaries and fringe benefits related to the implementation of the project or program element of the grant agreement are not considered administrative costs. For example, the salaries and fringe benefits for technical staff to conduct work to

accomplish specific Fair Housing goals outlined in the program are not administrative costs.

Indirect Cost Rate

Normal indirect cost rules under [2 CFR part 200, subpart E](#) apply. If you intend to charge your indirect costs to the award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit the new rate and documentation to assure the award agreement incorporates the applicable rate.

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization does not have a current negotiated rate (including provisional rate) and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC), as defined at [2 CFR 200.1](#). Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both, as described in [2 CFR 200.403](#). Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in [Appendix VII to 2 CFR part 200](#).

If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with [2 CFR part 200, Appendix VII](#), you may use the rate and distribution base specified in that indirect cost rate proposal.

Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate, you may elect to use the de minimis rate of 10% of MTDC. As described in [2 CFR 200.403\(d\)](#), costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until your department or agency chooses to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

NOTE: Applications submitted on or after October 1, 2024 are subject to the 2 CFR 200 modifications; applicants that do not have a current negotiated indirect cost rate may use the *de minimus* rate of 15% (instead of the 10% reflected in the text above).

G. Other Program-specific Requirements

V. APPLICATION REVIEW INFORMATION

A. Review Criteria

The maximum number of Rating Factor points awarded under this NOFO is 100. In addition, a maximum of 4 Preference Points are available if the criteria are met, for a total of 104 available NOFO points. Please see the chart below:

Rating Factors Summary	Points
Rating Factor 1. Capacity of Applicant and Relevant Organizational Experience	
(1) Description of expertise of Staff	20
(2) Organizational Experience and Capacity	16
Rating Factor 2. Need/Distress/Extent of the Problem	
(1) Problem Statement	5
(2) Proposed Solution	10
(3) Immediacy of Need	2
(4) Application of Funding	2
Rating Factor 3. Soundness of Approach	
(1) Proposed Statement of Work (SOW) and Information Requirements	16
(2) Budget and Cost Estimates	14
Rating Factor 4. Achieving Results and Program Evaluation	
(1) Measurement	5
(2) Evaluation Plan	10
TOTAL	100
Preference Points - Promise Zones (PZ); Minority Serving Institutions (MSI); and/or Environmental Justice (EJ) (2 preference points per category up to 4 preference points).	+4
Maximum Points including Rating Factors and possible Preference Points	104

1. Rating Factors

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience

Maximum Points: 36

Factor Number	Factor Description	Points
1	Capacity and relevant organizational experience Applicants must address the extent to which the organization has the staff experience and organizational capacity necessary to successfully complete the proposed project. Applicants without the requisite	Overall Factor total 36

	experience may consider applying for a FHIP Fair Housing Organizations Initiative grant to improve capacity and gain the experience for PEI.	
1.1	Description and expertise of staff <i>Applications that earn maximum points will fully demonstrate the organization has:</i>	Sub total 20
1.1.a	• a complete and effective staffing plan and sufficient and sufficiently qualified staff, including maintaining current staff and add proposed consultants and/or contractors, if applicable, during the period of performance to successfully implement and complete the proposed project. • more than two current key staff members with fair housing related experience. • the ability to implement its project without reliance on another organization or their key staff. • if applicant's staff performs activities in any capacity on other FHIP grants for or shares staff with other organizations, provided a list or chart [that will not count toward the rating factor page limit] which includes the name of the organization sharing activities, the staff members, and the role of and amount of time each staff member devotes to all FHIP related activities that the organization is undertaking as a grantee, subgrantee, affiliate, contractor, consultant, or in any other capacity.	<i>up to 6 points</i>
1.1.b	• Identified each staff member assigned to the project and the estimated percentage of time each will dedicate. • Identified a dedicated Project Manager currently on staff who will devote at least 25% of their time to the project throughout the entire period of performance. • If applicable, provided a plan to effectively oversee and evaluate the performance of contractors. • Stated whether the applicant is applying for multiple grants and/or has other FHIP grants from FY2020 to the present, and if applicable, provided a plan for how applicant and its staff will manage time on multiple FHIP grants in order to meet all performance requirements. • If applicable, provided the following information in a list or chart which will not count toward rating factor page limit: identified all FHIP grant awards from FY2020 to the present and each staff person assigned to the projects, including name, position and percentage of time devoted to those project(s). Staff time and effort under each Initiative/Component must represent time and effort over the entire grant period of performance. If a staff person's time on multiple FHIP grants will exceed 100% for a period of time because of overlapping grant periods, please	<i>up to 6 points</i>

	explain how that person's time will be allocated during the overlapping period to not exceed 100%. If applicant has no FHIP grants from FY2020 to present and is not currently applying for any other FHIP grants, applicant should so state.	
1.1.c	- Described each key staff's experience relevant to their proposed project position such as in enforcement activities, fair housing or other training, or disseminating information to the community; and described how the staff members' experience will contribute to the success of the project. - For proposed hires and/or consultants/contractors, identified the position, their activities or responsibilities, the position requirements that will assist in successful project completion, and the percentage of time they will devote to the project. - Please do not include resumes.	<i>up to 4 points</i>
1.1.d	- Sufficient available staff with appropriate training and experience to conduct tests; or has proposed a plan and budget for testing training and technical assistance (reflected in its response to Factor 3). - If applicant has proposed complex testing, described its specialized staff experience, or training that is needed and will be procured, to conduct complex testing in the context of real estate sales, mortgage lending, homeowners' insurance or appraisals; testing for discrimination because of sexual orientation, gender identity, source of income, or criminal records policies, or other testing for violations of FHA or substantially equivalent state/local housing laws.	<i>up to 4 points</i>
1.2	Organizational experience <i>Applications that earn maximum points will fully demonstrate the organization has:</i>	Sub total 16
1.2.a	- Conducted past project(s) (FHIP funded or not) similar in scope and complexity to proposed project, OR/AND - Engaged in activities that were not necessarily similar to those of proposed project but are readily transferable, AND - Briefly described the results of any listed past projects and/or activities.	<i>up to 4 points</i>
1.2.b	- Described its experience working with populations of the target area, including those that have faced historic segregation. - If applicable, demonstrated its experience addressing the needs of service areas without a fair housing enforcement presence. - Demonstrated that it has provided enforcement in service areas of need in highly segregated, rural or underserved communities.	<i>up to 2 points</i>

1.2.c	Specified how FY2024 funds will enhance applicant's capacity to conduct investigations including systemic investigations and increase enforcement related activities.	<i>up to 2 points</i>
1.2.d	- Described its fair housing experience within the last two years including: i. number of complaints received and processed, listed by basis and issue ii. number of complaints referred to HUD for investigation iii. number and type of tests conducted, both individual and systemic iv. investigative experience apart from testing v. a summary of complaint outcomes, including judicial and administrative findings, number of awards and type and amount of monetary and non-monetary relief awarded, number of pending complaints vi. other activities that further full-service and broad-based fair housing enforcement objectives - Provided specific examples for each category i through vi listed above. This information may be provided in a list or chart that will not count toward the Rating Factor 1 page limits. - Demonstrated that its proposed project is a full service and broad based project addressing protected classes under the FHA, and that meets the needs identified in response to Rating Factor 2.	<i>up to 8 points</i>

Rating Factor 2:

Maximum Points: 19

Factor Number	Factor Description	Points
2	Need/Distress/Extent of the Problem Applicant must clearly state the fair housing needs of the communities/ service areas, and through its responses to Rating Factors 2-4 demonstrate a direct relationship between the purpose of the program, the proposed activities, and how the organization plans to address discrimination, including systemic discrimination, in a way that meets those fair housing needs. The needs described and the proposed solution must relate to the activities for which funds are being requested under Rating Factor 3. When relying on data/studies/reports, cite and provide the references, links, etc. where the information is found; do not provide actual documents. <i>Applicants that earn maximum points will clearly explain the:</i>	Overall Factor total 19
2.1	Problem Statement	Subtotal

	• Demonstrate the extent to which there is a need for funding the proposed activities. • Define the specific community fair housing need(s) that will be addressed through the proposed project. As part of this analysis, define the target area's impediments to fair housing choice, discriminatory barriers, or other significant contributing factors, as applicable. • Provide references to supporting data or evidence of those needs. Reference information should be current within the last 5 years and/or still applicable to fair housing problems, or score will be reduced. Supporting evidence may include HUD studies or other reliable data sources such as: ○ Census data ○ Assessment of Fair Housing ○ Consolidated Plan ○ Analysis of Impediments to Fair Housing Choice (AI) ○ other fair housing planning documents.	Up to 5 points
2.2	Proposed Solution Applicants will clearly describe the organization's proposed solution to address systemic and other housing discrimination, and meet the fair housing needs identified. <i>Applications that receive maximum points will demonstrate:</i>	Subtotal Up to 10 points
2.2.a	<u>Effectiveness of Plan</u> • Describe applicant's plan to address the fair housing needs identified. • Explain why this intervention will be effective. • Reference supporting evidence to demonstrate why the proposed interventions will be effective, which may include case studies, evaluation of applicant's past best practices, third party research, etc.	<i>up to 3 points</i>
2.2.b	<u>AFFH and Underserved, Highly Segregated or Rural Area Focus</u> • Demonstrate that the organization will provide enforcement services in areas of need in highly segregated, rural, or underserved communities. • Explain how the organization will use the funds requested to expand enforcement services in areas not currently served by a fair housing enforcement organization (e.g. a FHIP or FHAP agency). • In compliance with NOFO Section III. F., describe how the proposed activities are aligned with AFFH requirements, including how proposed activities will: (1) address significant disparities in housing needs for protected groups, (2) address disparities in access to opportunity for protected groups, (3) address segregation and promote integration, (4) transform	<i>up to 3 points</i>

	racially or ethnically concentrated areas of poverty into areas of opportunity, or/and (5) foster and maintain compliance with civil rights and fair housing.	
2.2.c	<u>Affirmative Marketing</u> Demonstrate that the housing related, services, or other benefits provided under this grant will be affirmatively marketed broadly throughout the local area and nearby areas to any demographic groups that would be unlikely or least likely to participate in and benefit from the proposed activities absent such outreach efforts, and identify those groups. Such demographic groups may, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children.	<i>up to 2 points</i>
2.2.d	<u>Limited English Proficiency (LEP) and Accessibility</u> - Address the organization's need to provide language assistance services in languages other than English by describing the target population's language needs and the actions the applicant will take to ensure meaningful language access. - All printed materials disseminated to the public must be available in English and at least two other languages. - Provide a brief statement to identify the other languages that will be used based on the target population and how and by whom materials will be translated. - Address the organization's need and plan to provide accessible communication in alternative formats for individuals with disabilities, including Section 508 accessibility of applicant's website.	<i>up to 2 points</i>
2.3	Immediacy of Need Describe potential imminent adverse consequences for persons in protected classes covered under the FHA if the applicant is not selected for funding.	Subtotal Up to 2 points
2.4	Application of Funding Specify how the use of funds will: - differ from prior projects; and/or - expand enforcement activities to increase investigations of systemic housing discrimination.	Subtotal Up to 2 points

Rating Factor 3: Soundness of Approach

Maximum Points: 30

Factor Number	Factor Description	Points
---------------	--------------------	--------

3	Soundness of Approach This factor is comprised of two subfactors, the (1) Proposed Statement of Work (SOW) and Information Requirements and (2) Budget and Cost Estimates. Rating Factor 3 is exempt from the ten-page limit.	Overall Factor total 30
3.1	Proposed SOW and Information Requirements <i>Applications that earn maximum points will fully demonstrate the organization has:</i> - Proposed a complete work plan that demonstrates the soundness, quality, and effectiveness of the proposed project and the commitment of the applicant to sustain the proposed activities. - Included in its SOW all program tasks the applicant expects are reasonable for completion of the proposed project. If funded, the grantee is responsible for completing the SOW activities agreed upon during negotiations. - Submitted a separate complete SOW Chart and a separate complete SOW Narrative that provide a clear and detailed description of the proposed goals/objectives, activities, and outcomes as applicable, for each of the four (4) years of the applicant's project, or 5 points will be deducted.	Subtotal Up to 16 points
3.1.a	<u>SOW Narrative</u> - Identify quantifiable project goals and describe how these goals relate to each of the needs identified in response to Rating Factor 2. Goals are the results or outcomes the applicant intends to accomplish. - Identify and explain the proposed activities, specific deliverables, and anticipated outcomes consistent with the activities outlined in the SOW Chart. - Include a description of the continuation of existing activities and/or the expansion or creation of activities or systemic investigations based upon prior FHIP funded activities or other fair housing enforcement activities, including into new service areas if applicable.	<i>up to 6 points</i>
3.1.b	<u>SOW Chart</u> - Using the format in Appendix A as an example, describe all specific statement of work tasks necessary for the proposed project. - Include Administrative tasks and edit those in Appendix A as necessary and appropriate for the proposed project. - Include all Program tasks, activities and proposed outcomes as necessary and appropriate based upon the specific enforcement activities proposed in the application. SOW Chart must describe:	<i>up to 10 points</i>

	○ All proposed activities and major tasks including complaint intake, complaint investigation, testing for fair housing violations, and enforcement of meritorious claims (up to 3 points) ○ The staff members and/or partners identified in Rating Factor 1 response who will be responsible for completing each activity/task (up to 3 points) ○ The steps required to complete the proposed activities (up to 2 points) ○ Proposed outcomes as applicable (up to 2 points)	
3.2	Budget and Cost Estimates For each year of funding (4 years), the applicant’s budget must include the following or points will be deducted: • Budget Narrative; • HUD 424-CBW Grant Application Detailed Budget Worksheet; • Budget Narrative for all subcontractors or sub-recipients; and • HUD 424-CBW Grant Application Detailed Budget Worksheet for subcontractors or sub-recipients whose budgeted amounts exceed \$5,000. HUD will assess the soundness of the planned approach by evaluating the quality, thoroughness, necessity, cost-effectiveness, and reasonableness of costs to carry out the project activities, and the rationale for the proposed budget. The budget must also indicate what activities and tasks will increase as a result of the funding. <i>Applications that receive maximum points for this subfactor will include a clear and complete:</i>	Subtotal Up to 14 Points
3.2.a	<u>Budget Narrative</u> • Support and explain the budget and demonstrate how it relates to the tasks in the SOW. • Identify key team members/staff and partners, consistent with the list provided in Rating Factor 1, who will be responsible for completing major tasks, and the costs associated with those team members/partners for the tasks described. • The organization’s Financial Management Capacity, and its Board’s role in financial management and oversight of the organization. • Describe the organization’s capabilities in handling financial resources, disseminating payments to third parties (e.g. contractors), and maintaining adequate accounting and internal control procedures. HUD will not award or disburse funds to applicants not having a financial management system meeting Federal standards as described in 2 CFR 200.302. • If applicable, include a list or chart of current and/or prior FHIP grants received since FY2020 stating the grant number, dollar	<i>up to 7 points</i>

	amount awarded, the amount expended and obligated as of 30 days prior to the date the application is submitted, and a description of the activities and results achieved.	
3.2.b	<u>Grant Application Detailed Budget Worksheet (HUD-424-CBW)</u> • Present a clear and complete budget using form HUD-424-CBW for each year of funding. • Budget line items must correspond to the activities and associated costs in the SOW. • Clearly list costs associated with project implementation and completion. • Include the mandatory \$7,500 per project year for HUD sponsored or approved training. • Provide a separate HUD-424-CBW for each contractor or subcontractor whose budget amount exceeds \$5,000. • Submitting a HUD-424-CB instead of the required detailed HUD-424-CBW will result in an automatic 5 point deduction from the applicant's 3.2 score. • Failure to submit a separate HUD 424-CBW for each year (4 years) of funding will result in an additional 5 point deduction from subfactor 3.2.	<i>up to 7 points</i>

Rating Factor 4: Achieving Results and Program Evaluation

Maximum Points: 15

Factor Number	Factor Description	Points
4	Achieving Results and Program Evaluation Considering applicant's responses to Rating Factors 1 through 3, HUD will assess applicant's plan to evaluate its achievement of proposed goals and the extent to which the applicant will measure results and hold itself accountable to ensure effective program management. Applicants must clearly outline the organization's strategy for measuring, evaluating and improving (if necessary) its program performance against proposed activity goals during the grant period of performance.	Overall Factor total 15
4.1	Measurement <i>Applications that earn maximum points will fully demonstrate the organization has:</i>	Subtotal up to 5 points
	• Described and explained the strategies it will use to measure outputs and outcomes for the program activities and goals outlined in the applicant's SOW Narrative and Chart (Appendix A). The description should include:	

	○ quantifiable outputs and outcomes that measure progress on the goals identified and result in valid, reliable data; ○ data collection methods used to measure outputs and outcomes and the frequency of data collection; ○ technological tools in place to capture, maintain, analyze and share data; and ○ an explanation of how the applicant's data will be validated. ● Identified applicant outcomes that reflect the anticipated effect the organization's proposed activities will have on its beneficiaries. Outcomes measure progress made towards achieving the program goals, while outputs are the measurable organization activities.	
4.2	Evaluation Plan <i>Applications that earn maximum points will fully demonstrate the organization has:</i>	Subtotal up to 10 points
	● Proposed a plan to effectively evaluate progress toward stated objectives and goals. The plan should include: ○ a description of the output and outcome data and the thresholds/milestones that will be used to determine progress toward goals; ○ timelines for continuous/periodic evaluation and adjustments as needed and an explanation of how these continuous/periodic evaluations will be used to improve program performance, and/or implement adjustments if not on track with expectations; and ○ a description of the public interest outputs and outcomes that, based on past experience, the applicant expects to achieve. This description may include the applicant's expectations in terms of people served, cases handled, relief obtained, enforcement actions that contribute to changes in local ordinances or state statutes, and/or any other reasonable metric of the impact of the applicant's enforcement work. ● Explained how long term outcomes will be evaluated, for example by examining changes in the levels of residential segregation in the communities they serve, educational segregation, or other metrics that indicate change in levels of systemic housing discrimination.	

This program does not offer points for Section 3.

2. Other Factors

Policy Initiative Preference Points

This NOFO supports the following policy initiatives, for which a maximum of four (4) preference points may be awarded. Preference points are added to your overall application score.

Environmental Justice (2 points)

Promise Zones (PZ) (2 points)

Minority-Serving Institutions (2 points)

You may voluntarily choose to address preference point policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you voluntarily choose to address a policy initiative in your application, you will be required to adhere to the information submitted with your application should you receive an award. The proposed information will be included as a binding requirement of any Federal award you receive as a term and condition of that award.

Environmental Justice: In accordance with [Executive Order 12898](#), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and EO 14008, HUD will award up to two (2) points for applications proposing activities that advance Environmental Justice (as defined in Section I.A.4 of this NOFO). For the purposes of this HUD program, activities that advance Environmental Justice include doing the following for people or communities that have been environmentally underserved or overburdened (e.g. low-income and Black and Brown communities):

- Reducing or mitigating exposure to environmental and health hazards (e.g. industrial facilities, EPA superfund sites, brownfields and legacy pollution, heat islands).
- Improving protection from and resilience to environmental harms (e.g. fire-resistant materials, floodproofing).
- Expanding environmental benefits (e.g. clean air and water, public transportation, bike and walking paths, clean energy, green technology, biodiversity).
- Overcoming prior disinvestment in environmental infrastructure (e.g. drainage systems, green spaces, pollution controls).

To receive points under this Section, your application must describe in detail how your proposed activities will advance Environmental Justice in one or more of these ways.

In addition, to receive points under this Section, your application must also clearly describe how your activities will be informed by input from affected communities. To provide those affected a meaningful opportunity to participate in the design and implementation of your activities, you should make key information available online and through other media, engage with community leaders, solicit public feedback, hold public meetings at a variety of times and locations or virtually, and respond appropriately to community concerns.

Minority-Serving Institutions

An applicant designated by the U.S. Department of Education as an MSI will receive up to two (2) preference points when the application includes documentation of the applicant's status as an [HBCU](#), [Hispanic-serving institution](#), [Tribal-controlled postsecondary institution](#), [Alaska Native-serving or Native-Hawaiian-serving institution](#), [Predominantly Black Institution](#), [Asian and Native American Pacific Islander-serving institution](#), or Native American-serving nontribal

institution. This policy preference is pursuant to Executive Orders [13985](#), [14041](#), [14045](#), and [14031](#).

An applicant partnering with an [HBCU](#), [Hispanic-Serving Institution](#), [Tribal-controlled postsecondary institution](#), Alaskan Native-serving or Native-Hawaiian-serving institution, Predominantly Black Institution, [Asian and Pacific Islander-serving institution](#), or Native American-serving nontribal institution will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that a partnership is in place and signed by an authorizing official of the MSI and documentation of the status of college or university as an [HBCU](#), [Hispanic-serving institution](#), [Tribal-controlled postsecondary institution](#), [Alaska Native-serving or Native-Hawaiian-serving institution](#), [Predominantly Black Institution](#), [Asian and Native American Pacific Islander-serving institution](#), or Native American-serving nontribal institution. This policy preference is pursuant to Executive Orders [13985](#), [14041](#), [14045](#), and [14031](#).

Promise Zones

HUD encourages activities in Promise Zones (PZ). To receive Promise Zones Preference Points, applicants must submit form HUD-50153, "Certification of Consistency with Promise Zone Goals and Implementation," signed by the Promise Zone Official authorized to certify the project meets the criteria to receive preference points. To view the list of designated Promise Zones and persons authorized to certify, see the [Promise Zone](#) pages on HUD's website.

B. Review and Selection Process

1. Past Performance

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

OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the HUD agreement

The applicant's organizational capacity, including staffing structures and capabilities

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds

The number of persons served or targeted for assistance

Promoting self-sufficiency and economic independence

Producing positive outcomes and results

HUD may reduce scores based on the past performance review, if specified under V.A. Rating Factors. Whenever possible, HUD will obtain and review past performance information. If this

review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

2. Assessing Applicant Risk

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in this part;
- (3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under Subpart F—Audit Requirements of 2 CFR part 200 or the reports and findings of any other available audits; and
- (5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

FHIP Applicant Risk

This section incorporates past performance with the assessment of applicant risk. For current FHIP grantees, past performance will be assessed as part of applicant risk and based on the applicant's most recent FHIP GTR Final Performance Assessment Report. GTR Final Performance Assessment Reports contain these items: (1) performance of all requirements under the grant, (2) acceptance of work performed, and (3) quality of performance.

Up to 7 points may be deducted from the applicant's overall rating score as follows:

- 1 point if the applicant received less than an "Excellent"
- 5 points if the applicant received less than a "Good"
- 1 point if the applicant is deemed "high risk" (note: all new FHIP applicants are deemed high risk)

An organization is ineligible for funding if the organization received a "poor" rating within the last year on its performance assessment on a prior FHIP grant for any initiative/component. Applicants who have not received a performance assessment within the last year will be deemed a new applicant for purposes of this NOFO.

Additionally, HUD evaluates the integrity of the applicant as reflected in government-wide websites, information in HUD's files, the federal Do Not Pay portal, public information and information received during HUD's Name Check Review process. If this integrity evaluation results in an adverse finding, HUD reserves the right to take any remedies available including those provided in NOFO Section III., 2 CFR 200.206, 2 CFR 200.208, and the Do Not Pay website.

3. Rating and Ranking.

- a. Ineligible Applications.** Ineligible applications will not be rated or ranked.
- b. Minimum Score to be Funded.** Only applications with at least a rating score of 75 points, not including preference points, will be considered of sufficient quality for funding.
- c. Ranking.** All eligible applicants will be ranked based on the total score.
- d. Tie Breaking.** When two or more applications have the same total score, the application with the higher score under Rating Factor 2 will be ranked higher. If applications still have the same score, the tie will be broken by the Rating Factor 1 score. If a tie remains, the tie will be broken by the Rating Factor 3 score. If a tie remains, the tie will be broken by the Rating Factor 4.2 score.

4. Adjustments to Funding. HUD may approve an application for an amount lower than the amount requested, fund only portions of the application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to the grant agreement, under 2 CFR § 200.207, or where:

- a. HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
- b. An ineligible activity is proposed in an otherwise eligible project;
- c. Insufficient funding amounts remain to award the full amount requested in the application, and HUD determines that partial funding is a viable option;
- d. The past record of key personnel warrants special conditions;
- e. An applicant has not included the mandatory training funding allocation in the budget and the applicant is selected for an award (HUD will modify the applicant's budget, reallocating the appropriate training amount); or
- f. An applicant is awarded more than one grant (e.g. HUD will re-examine the organization's training needs).

5. Reallocation of Funds. Any funds remaining after award selection will be reallocated first within PEI and then to other FHIP Initiatives based on demand.

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 other applicants, whose applications were received by the deadline but were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

1. Final Award

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select

another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

2. Adjustments to Funding

To ensure fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD may fund no portion of an application that:

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other Federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, may be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or may be used as otherwise provided by authorizing statute or appropriation.

e. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may, in accordance with the appropriation, use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full (or nearer to full) award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

3. Funding Errors

If HUD commits an error that, when corrected, would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year if funding is available.

4. Additional Applicant Notification and Award Procedures.

a. Notification. Information about the review and award process will not be available during the HUD evaluation period, which begins on the application deadline date for this NOFO and lasts for approximately 90 days thereafter. However, you will be advised, in writing or by telephone, if HUD determines that your application is ineligible, or has technical deficiencies which may be corrected. HUD will only communicate with persons specifically identified in the SF-424 in the application. HUD will not provide information about the application to any third party such as contractors.

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

c. Applicant Scores. After awards are announced, applicants may request and receive their final score. HUD will not release the names of applicants or their scores to any third party. Upon request via email, HUD will provide applicants frequent areas where the Technical Evaluation Panel deducted points. This panel information will consist of a review of areas in which applicants frequently lose points such that all applicants may make modifications to improve future applications.

B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards

Unless otherwise specified, the following requirements apply and are detailed on HUD's Funding Opportunity page in the document titled, "[Administrative, National & Departmental Policy Requirements and Terms for HUD Financial Assistance – 2024](#)." You must review each requirement to ensure compliance is considered when preparing your application materials (e.g., staff, budget, and timeline). Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD.

1. Compliance with The Fair Housing Act ([42 U.S.C. 3601-3619](#)) and implementing regulations at [24 CFR part 100 et seq](#)
2. Compliance with Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d-2000d-4](#)(Nondiscrimination in Federally Assisted Programs) and implementing regulations at [24 CFR part 1](#)
3. Compliance with the Age Discrimination Act of 1975 ([42 U.S.C. 6101-6107](#)) and implementing regulations at [24 CFR part 146](#)
4. Compliance with Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)) and implementing regulations at [24 CFR part 8](#)
5. Compliance with the Americans with Disabilities Act, [42 U.S.C. 12101 et seq](#)
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including 24 CFR 5.150 et seq
7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (12 U.S.C. 1701u) requirements, including those listed at [24 CFR part 75](#)
8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))

9. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
10. Compliance with Equal Access Requirements (e.g., [24 CFR 5.105\(a\)\(2\)](#) and [5.106](#))
11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at [2 CFR 200.321](#)
12. Compliance with Energy Efficient and Sustainable by Design
13. Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) (URA) requirements, [49 CFR part 24](#), and applicable program regulations
14. Compliance with Participation in HUD-Sponsored Program Evaluation
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR part 200](#)). Awards made from this NOFO will conform with the updated 2 CFR 200 regulations that go into effect on October 1, 2024.
16. Compliance with Drug-Free Workplace requirements ([2 CFR part 2429](#))
17. Compliance with the requirements related to safeguarding resident/client files (e.g., 2 CFR 200.303(e))
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
19. Compliance with Eminent Domain
20. Compliance with Accessibility for Persons with Disabilities requirements, including 24 CFR parts 8 and 100; 28 CFR part 35
21. Compliance with applicable Violence Against Women Act requirements in the Housing Chapter of VAWA, 34 U.S.C. 12491-12496, 24 CFR part 5, subpart L, and program-specific regulations, if applicable
22. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements
23. Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements
24. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
25. Compliance with [section 106\(g\) of the Trafficking Victims Protection Act of 2000 \(TVPA\), as amended \(22 U.S.C. 7104\(g\)\)](#) and implementing regulations at [2 CFR part 175](#) (Award Term for Trafficking in Persons)
26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))
27. Compliance with Suspension and Debarment regulations ([2 CFR part 2424](#) and [2 CFR part 180](#))

28. Compliance with environmental justice requirements that apply in accordance with Executive Orders [12898](#) and [14008](#), and OMB Memorandum [M-21-28](#), which implements the *Justice40 Initiative*, section 223 of Executive Order [14008](#).

29. Compliance with [HUD Secretary Fudge’s April 12, 2022 memorandum](#), “Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs”

30. Compliance with equity requirements, including racial equity and underserved communities and LGBTQ+ requirements that apply in accordance with Executive Orders [13985](#), [13988](#), and 14091

31. Compliance with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See [Federal Contractor or Grantee Protections | Office of Inspector General, Department of Housing and Urban Development \(hudoig.gov\)](#))

32. Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) and Executive Orders 14091 and 14110, which includes prohibition on the use of HUD funds to purchase or fund any form of facial or biometric recognition technology for the purpose of surveillance or any other use that may adversely impact equitable access to housing

Environmental Review

In accordance with 24 CFR 50.19(b)(2), (3), (4), (9), (12) and (13), activities funded under this NOFO are exempt or categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to environmental review under related laws and authorities.

Remedies for Noncompliance

HUD may apply the remedies at [2 CFR 200.339](#) or impose additional conditions to remedy noncompliance with any Federal State, or local statutes, regulations, or terms and conditions of the financial assistance award. If noncompliance cannot be remedied, HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

CFR 200.339 Remedies for noncompliance conveys the full range of available remedies HUD can take if the grantee fails to comply with federal statutes, regulations, or terms of an award.

Lead-Based Paint Requirements

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your HUD award you must inform clients of their rights under the Lead Disclosure Rule ([24 CFR part 35, subpart A](#)), and, if the focus of the education or counseling is

on rental or purchase of HUD-assisted pre-1978 housing, then you must also inform clients of the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

C. Reporting

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

1. Recipient Integrity and Performance Matters

You should be aware that if the total Federal share of your Federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions 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, 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. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of Federally-assisted programs.

Recipients must submit Form HUD-27061, Racial and Ethnic Data Reporting Form found at https://www.hud.gov/program_offices/administration/hudclips/forms/.

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

FFATA requires information on Federal awards be made available to the public via a single, searchable website, which is www.USASpending.gov. Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR part 170](#), "REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-award equal to or greater than \$30,000.

4. Program-Specific Reporting Requirements

a. **Performance Reporting.** All HUD funded programs, require recipients to submit, at least every year, a report showing outcomes for the activities in the work plan in the award agreement.

b. **Quarterly Report/Final Report.** All grant recipients are required to submit quarterly reports and a final report which identify their program's outputs and outcomes. Quarterly reports should contain answers to the following questions:

1. How many persons does the organization propose to serve? How is the estimate derived?
2. How many clients have been served?
3. Of those served, how many resulted in cases?
4. How many cases were resolved?
5. How many cases were litigated?
6. What is the total amount of damages the organization received for victims of discrimination by case settlements and litigation?
7. Describe how many cases were resolved to the benefit of the client, and how those clients benefited.
8. How many jurisdictions developed policies to remove barriers to fair housing as a result of FHIP PEI engagement with local jurisdictions/regional organizations?

For quarterly reports and the final report, recipients will be required to derive meaningful data from client feedback on how they benefited from the project's activities. Recipients will also report outcomes and evidence of continued project success, such as: (1) positive customer experience; (2) efficient and effective administrative costs; (3) high ethical standards; (4) overall positive community/target area changes; (5) innovative strategies that contribute to cost effectiveness and other program improvements and success stories (give an example of an enforcement success, e.g., outputs and outcomes of a settlement or systemic investigation). Grantees will be required to track outcomes in the final report using the following forms: Types of Closures (HUD-904-A); Bases and Issues in Test (HUD-904-B); and Bases and Issues of Reports of Discrimination (HUD-904-C). These forms can be found at the following links:

<https://www.hud.gov/sites/dfiles/FHEO/images/904-A-OMB2529-0033.pdf>

<https://www.hud.gov/sites/dfiles/FHEO/images/904-B-OMB2529-0033.pdf>

<https://www.hud.gov/sites/dfiles/FHEO/images/904-C-OMB%202529-0033.pdf>

D. Debriefing

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, if requested, HUD will provide a debriefing related to their application. The AOR or the AOR's successor must submit a written request for debriefing via mail or email to the POC in Section VII Agency Contact(s) of this NOFO. Information provided during a debriefing may include the applicant's final score 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.

Non-funded eligible applicants will receive the total application score, and non-funded and ineligible applicants will receive a debriefing summary to include overall applicant scoring averages and average common errors.

VII. AGENCY CONTACT(S)

HUD staff will be available to provide clarification on the content of this NOFO.

Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

Stephanie Thomas

Phone:

202-402-6938

Email:

Stephanie.W.Thomas@hud.gov

Individuals who are deaf or hard of hearing, as well as individuals who have speech or communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#).

Note that HUD staff cannot assist applicants in preparing their applications.

VIII. OTHER INFORMATION

1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)

This NOFO provides assistance in promoting or enforcing fair housing or nondiscrimination laws. Accordingly, under [24 CFR 50.19\(c\)\(3\)](#), this NOFO is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

2. Web Resources.

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing\(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Disability Overview](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)

- [HUD Reform Act](#)
- [HUD Reform Act: Hud Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Rural.gov](#)
- [Rural Partners Network Community Networks](#)
- [Section 3](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)

3. Program Relevant Web Resources

www.hud.gov/fairhousing

4. Additional Program Requirements include:

a. Product Information. Press releases and any other product for the public must be submitted to the GTR at least four (4) days before release for approval and acceptance.

b. Payment Contingent on Completion. Payment of FHIP funds is made on a fixed price basis. Payments are made based on the satisfactory and timely completion of your project activities and products as reflected in your grant agreement. Requests for funds must be accompanied by financial and progress reports.

c. Copyright Materials. You may copyright any work eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 2 CFR 215.36.

d. Complaints Against Awardees. Each FHIP award is overseen by a HUD Grant Officer (See www.hud.gov for list of FHEO Regional Directors). Complaints from the public against FHIP grantees should be forwarded to the POC listed above in Section VII Agency Contact(s). If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP requirements, terms or conditions of the grant agreement, or any other applicable requirement, HUD will take appropriate action under 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in FHIP under 24 CFR 24.

e. Double Payments. If an applicant is awarded funds under this NOFO, the applicant (and any contractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federally assisted project.

f. Performance Sanctions. A grantee or contractor violating the requirements in its grant agreement will be liable for such sanctions as authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any federal agency.

g. Corrections to Deficient Applications. In order not to unreasonably exclude applications

from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so uniformly for all applicants. HUD may not seek clarification of items or responses that improve the substantive quality of an applicant's response to any rating factors or correct deficiencies which are in whole or part of a rating factor. Applicants will have 5 business days from date of notification to submit the required documents to HUD. Applicants will be notified by email and telephone about corrections to ensure notification. The applicants must submit the corrections by using the form HUD Form 90611 found in their downloaded application to submit the technical cures to HUD.

APPENDIX

APPENDIX A

STATEMENT OF WORK - SAMPLE FORMAT - The Administrative Tasks listed in Appendix A are standard general tasks, however an applicant may edit the section to fit the applicant's specific necessary tasks. Under the Program Tasks section, each applicant should complete a detailed SOW based on the specific enforcement and as applicable EOI activities proposed in the organization's application, including activities and tasks, and proposed outcomes where applicable.

FY2024 NOFO

Statement of Work for:

The recipient, _____, agrees to undertake the following activities in accordance with its FY2024 application for funding under the PEI Initiative- _____ Project (if applicable) for a _____-month project commencing _____, in the geographic area of _____.

Administrative Tasks

Activities	Tasks	Submitted By	Key Personnel
1. Assign staff to project	Submit assignment memo or other documents assigning staff by name and number of hours to be spent on the project	30 days	
2. Execute subcontracts agreements (if any)	Submit draft contract for GTR approval. Submit copy of signed agreement.	30 days	
3. Submit evidence of compliance with 24 CFR 125.107 (if program activities include testing)	Submit copy of organization written conflict of interest policy, demonstrating 24 CFR 125.107 compliance including conflict of interest and other requirements.	TBD during negotiations	

4. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change	Quarterly when changes occur	
5. Complete SF-LLL Disclosure of Lobbying Activities	Submit updated form. If no changes occur, submit statement of no change	Quarterly when changes occur	
6. Quarterly Report of Performance	Submit two (2) copies of quarterly report of performance. Include outcomes and progress towards achieving outcomes.	Quarterly	
7. Complete SF-425 Financial Status Report and Written Quarterly Status Reports on All Activities	Submit two (2) copies of SF-425 and Copy of Written Report.	Quarterly	
8. Voucher of Payment	Submit payment request to LOCCS	Per payment schedule	
9. Complete listing of current or pending Grants/Contracts/Other Financial Agreements	Submit listing for Recipient and any contractors	45 days and at the end of the grant	
10. Prepare Summary of First Year (36 month grant)	Submit summary of first year accomplishments	395 days	
11. Prepare and submit draft of Final Report and HUD Forms 904-A, 904-B and 904-C	Submit two (2) copies of draft final report. Report summary should include objectives, accomplishments and results (outcomes) . Complaint and testing activities should summarize data on complaints received and test conducted by basis and issue and outcomes should include number of credible, legitimate complaints filed with HUD, State and local Fair	One month before end of grant term.	

	Housing Agency, Department of Justice or Private Litigator; and Types of Relief/Results.		
--	--	--	--

Program Tasks

***Activities and tasks (sample only) are based on an organization's individual proposed activities and tasks.**

Activities/Tasks	Outcome(s)	Submitted By
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new material. Task: List of materials requested and copy of final products		90 days
2. Review/refine process to refer potential victims to HUD, DOJ, a state or local agency, or a private attorney. Task: Copy of referral process. All audit-based enforcement actions should be referred to HUD.		45 days
3. Intake and process complaints, including testing and referral. Complete Enforcement Log which details complaints received; dates; the protected basis of complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the tie for case processing; including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred. Task: Submit copy of Enforcement Log and a report on number of enforcement proposals referred to HUD.		Quarterly
4. Submit tester training and other forms for review/approval.		60 days
5. Train staff on fair housing. Task: number of hours spent in training.		
6. Conduct at least ___ training for landlords, lenders, insurers or real estate agents.		
7. Conduct at least ___ training(s) for potential victims of discrimination.		
8. Make at least ___ referrals of non-fair housing issues.		
9. Evaluate at ___ potential complaints for enforcement.		

APPENDIX B

CERTIFICATION FOR PEI APPLICANTS

FR-6800-N-21-C

I [applicant AOR] _____, certify under penalty of perjury that the information provided below pertaining to

Applicant Name: _____ is true and correct.

(Applicant name same as it appears on SF 424)

In accordance with 24 CFR §125.103 (definitions) and §125.401 (Private Enforcement Initiative), which states:

(a) The Private Enforcement Initiative provides funding on a single-year or multi-year basis, to investigate violations and obtain enforcement of the rights granted under the Fair Housing Act or State or local laws that provide rights and remedies for discriminatory housing practices that are substantially equivalent to the rights and remedies provided in the Fair Housing Act. Multi-year funding may be contingent upon annual performance reviews and annual appropriations.

(b) Organizations that are eligible to receive assistance under the Private Enforcement Initiative are:

(1) Qualified fair housing enforcement organizations.

(2) Fair housing enforcement organizations with at least 1 year of experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims. For the purposes of meeting this 1-year experience qualification, it is not necessary that the activities were conducted simultaneously, as long as each activity was conducted for at least 1 year. It is also not necessary for the activities to have been conducted continuously during a 1-year period. An organization may aggregate its experience in each activity over the 2-year period preceding its application to meet Title 24: Housing and Urban Development requirements.

I _____ certify that
(Applicant AOR name as it appears on SF 424)

_____ is a private, tax-exempt,
(Applicant Organization name as it appears on SF 424)

nonprofit, charitable organization and has a “letter of determination” from the Internal Revenue Service confirming 501(c)(3) status.

AND I certify that

_____ is a Qualified Fair
(Applicant Organization name as it appears on SF 424)

Housing Organization (QFHO) or a Fair Housing Enforcement Organization (FHO) with at least one year’s experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims (select one below).

As defined by 24 CFR Part 125.103 my organization is a:

___ QFHO (entity has at least two years of enforcement-related experience); and organization is currently engaged in each of the activities at the time this application is submitted: Complaint intake; Complaint investigation; Testing for fair housing violations; and Enforcement of meritorious claims.

OR

___ FHO (entity has at least one year of enforcement-related experience); and is currently engaged in each of the activities and upon receipt of funds will continue to be engaged in each enforcement-related activity: Complaint intake; Complaint investigation; Testing for fair housing violations; and Enforcement of meritorious claims

NOTE: The Technical Evaluation Panel will verify this certification through the organization's response to Factor 1. In accordance with FHIP regulation at 2 CFR §125.103, "the Department may request an organization to submit documentation to support its claimed status as an FHO."

Signature of Applicant AOR

Date

WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 32 U.S.C § 3729, 3802)

APPENDIX C

FR-6800-N-21-C

REQUIRED ABSTRACT – SAMPLE FORMAT - All applicants should use the format outlined in this Appendix as an example and guidance to describe the organization's project.
FY2024 NOFO ABSTRACT for:

The applicant, (insert name of applicant), if awarded, agrees to undertake the following activities in accordance with its FY2024 application for funding in the amount of \$_____ under the _____ Initiative-_____ Component (if applicable) for a _____-month project commencing (month/year) in the geographic area of _____.

(Insert Name of Applicant) **is/isnot** (select one) a new FHIP applicant.

Award Description:

1. **Purpose** (up to 3,600 character limit)

2. **Activities to be Performed** (up to 4,900 character limit)

3. **Expected Outcomes** (up to 4,900 character limit)

4. **Intended Beneficiaries** (up to 3,600 character limit)

5. **Subrecipient Activities Or Indicate “None”** if the applicant does not intend to use subawards (up to 1,000 character limit)

Award Description Key Words/Phrases	Definitions
Purpose	A brief summary of how and where the award funds will or may be used.
Activities To Be Performed	A list of eligible proposed activities that the applicant proposes to implement within the award’s period of performance.
Expected Outcomes	A list of the proposed outcome or performance measures for the grant award.
Intended Beneficiaries	A list of intended eligible beneficiaries or protected classes to be targeted through the grant award activities.
Subrecipient Activities	A list of eligible proposed activities that must be executed within the subaward’s period of performance.

