

U.S. Department of Housing and Urban Development

Fair Housing - Equal Opportunity

Fair Housing Initiatives Program - Private Enforcement Initiative
FR-6100-N-21C
Application Due Date: 10/06/2017

_____ _____

Signature Date

Fair Housing Initiatives Program - Private Enforcement Initiative
FR-6100-N-21C
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U.S. Department of Housing and Urban Development

Program Office:	Fair Housing - Equal Opportunity
Funding Opportunity Title:	Fair Housing Initiatives Program - Private Enforcement Initiative
Announcement Type:	Initial
Funding Opportunity Number:	FR-6100-N-21C
Primary CFDA Number:	14.418
Due Date for Applications:	**10/06/2017**

Overview

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

Additional Overview Information

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

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

2. OMB Approval Number(s): 2529-0033

I. Funding Opportunity Description.

A. Program Description.

1. Purpose and Summary.

This NOFA is modified to extend the application due date to October 6, 2017 for all applicants. The remaining NOFA content is unchanged.

The Fair Housing Initiatives Program (FHIP) funds fair housing organizations and other non-profits that assist individuals who believe that they have been victims of housing discrimination. FHIP provides funds to eligible organizations through competitive grants under three initiatives to carry out enforcement activities to prevent or eliminate discriminatory housing practices and inform individuals of their rights and responsibilities under the Fair Housing Act. The Initiatives are: the Fair Housing Organization Initiative (FHOI), Private Enforcement Initiative (PEI) and the Education and Outreach Initiative (EOI). Each Initiative is posted under a separate NOFA. This NOFA will receive applications for PEI only.

2. Changes from Previous NOFA.

a. **Multi-Year (-MY) Funding.** FHIP is maintaining the funding level of $300,000 for all FY 2017 grantees. In addition, prior year PEI-MY grants will be funded at the $300,000 level.

b. NOFA Priorities. For FY2017, the Department has eliminated NOFA priority points. Please see page 1 of the General Section to HUD's FY2017 Notice of Funding Availability for Discretionary Programs (General Section) for additional information.

c. Preference Points. For FY2017, the Department has renamed bonus point to Preference Points. Please see page 1 of the General Section to HUD's FY2017 Notice of Funding Availability for Discretionary Programs (General Section) for additional information.

d. Section III.E.2 Program Specific Requirement. This provision is revised to add language for improved clarity regarding FHIP grants and beneficiary income restrictions.

e. Section III.E.7 and 8 Program Specific Requirements. New provisions are added detailing staffing and other requirements to clarify staffing and other eligibility of parent and affiliate organizations.

f. Section IV.F – Funding Restrictions. A provision has been added to clarify the number of awards that an applicant may receive under a single component.

g. Section V.B – Review and Selection Process. A new section, entitled "Assessing Applicant Risk" has been added to comply with 2 CFR Part 200 and General Section requirements.

h. Section V.A – Review Criteria. Review Criteria rating factor points are restructured to include a greater emphasis on the capacity of the Applicant Staffing and Organizational Experience to ensure improve accountability for eligibility for a grant funding award.

3. Definitions.

a. Standard Definitions

Analysis of Impediments to Fair Housing Choice (AI) is a review of impediments or barriers that affect the rights related to fair housing choice, and pertains to program participants in

jurisdictions operating under a current Consolidated Plan and public housing agencies operating under a PHA Plan.

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

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

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

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

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

Contractor means an entity that receives a contract.

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

- Curable Deficiency – Applicants may correct a curable deficiency with timely action. To

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Program Definitions

Administrative Costs include providing clerical expenses; providing or securing legal services; providing or securing financial management services such as accountants, consultants, sub-contractors, or others retained by the organization.

Affiliate is a business entity effectively controlling or controlled by another or associated with others under common ownership or control.

Allegation is an intake where there are one or more claims of a violation of a fair housing law. Allegations are only applicable to those protected classes under fair housing laws that are in effect within the applicant's service area.

Broad-based means not limited to a single fair housing issue (such as insurance, mortgage lending, or advertising), but rather covering more than one issue related to discrimination in the provision of housing covered under the Fair Housing Act.

Complaint is a filed fair housing complaint accepted by HUD or a FHAP agency as jurisdictional, or a complaint filed in a state or federal court alleging violations of the Fair Housing Act.

Fair Housing Act is Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601-3620).

Fair Housing Assistance Program (FHAP) Agencies are agencies, as described in 24 CFR 115, means State and local fair housing enforcement government agencies that receive FHAP funds to administer laws deemed substantially equivalent to the Fair Housing Act.

Fair Housing Guidance is the process used by fair housing organizations to advise persons about their rights and responsibilities, available options for exercising their rights, and remedies provided under fair housing laws.

Fair Housing Enforcement Organization (FHO) is an organization engaged in fair housing activities as defined in 24 CFR 125.103.

Full-service Projects must provide services to members of all protected classes and include these enforcement-related activities in the project application: interviewing potential victims of discrimination; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; conciliating; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

Intake is a fair housing allegation contacts/queries received by a fair housing organization. Intake does not include inquiries unrelated to fair housing including general housing, landlord/tenant or others. Intakes may be in-person or by phone, mail or email contact and documented through the fair housing organization's standard intake form or database entry. Information gathered at intake starts the fair housing process. Repetitive contacts from a single individual may not be counted as an intake unless the additional contact contains a new allegation or relates to a new respondent. Intakes do not include someone returning a non-enforcement related phone call, a telemarketer calling the office, or incoming personal phone calls.

Jurisdiction under the Fair Housing Act is established when the complaint is filed in a timely manner; the complainant has apparent standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) appear to be covered by the Fair Housing Act; and the subject matter and the basis of the alleged discrimination may constitute illegal practices as defined by the Fair Housing Act.Lending Discrimination.

Lending discrimination means discriminatory practices against persons protected under the Fair Housing Act, in the mortgage process and includes, but is not limited to the use of deceptive, misleading or discriminatory practices to sell services that promise foreclosure relief to homeowners, and the failure to deliver those services. Lending discrimination includes actions that may violate the Fair Housing Act in the making, servicing, or purchasing of home loans or loans secured by a home.

Meritorious Claims are enforcement activities by an organization that resulted in lawsuits, judgments, consent decrees, legal settlements, HUD or substantially equivalent agency (under 25 CFR 115.6) conciliations, or organization-initiated settlements, with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR 125.103), for complaints that are jurisdictional under the Fair Housing Act.

Operating Budget is an organization's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the period for which funding is requested.

Partnership is a collaboration with one or more identified agencies, task forces, FHAP organizations, or other groups to successfully realize the service or activity planned. A partnership may be formal and contractual with specific roles and deliverables defined, or less formal cooperation through volunteer efforts accomplished without a contract.

Qualified Fair Housing Enforcement Organization (QFHO) is an organization engaged in fair housing activities as defined in 24 CFR 125.103.

Referral means referring to HUD or to a FHAP agency an intake, alleging possible violations of fair housing laws.

Regional/Local/Community-Based Activities are defined at 24 CFR 125.301(a) and (d).

Rural Areas include any of the following:

a. A non-urban place having fewer than 2,500 inhabitants (within or outside of the metropolitan areas).

b. A county or parish with an urban population of 20,000 inhabitants or less.

c. Territory, including its persons and housing units, in rural portions of “extended cities.” The Census Bureau identifies the rural portions of extended cities.

d. Open country that is not part of or associated with an urban area. The USDA describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, or open space set aside

for future development.

e. Any place in whole or in part, not located in a Metropolitan Statistical Area.

Statement of Work (SOW) is a document that describes all the tasks necessary to do the work, includes all the steps needed for good management control and specificity regarding work to be done and deliverables, and provides a basis for mutual understanding of the requirements and tasks.

Systemic Housing Investigation is an investigation of alleged discrimination that is pervasive or institutional in nature, or where the collection and analysis of data to develop a complaint will involve complex issues, novel questions of fact or law, or will potentially affect a large number of persons. Systemic investigations may focus not only on documenting facts involved in the alleged discriminatory housing practice that is the subject of the complaint; they may also involve the identification of additional victims or the reviewing of policies and procedures related to matters under investigation to make sure that they also comply with the nondiscrimination requirements of the Fair Housing Act. Systemic investigations may include investigation of discrimination in rental, sales, lending, or homeowner's insurance practices and may include investigations into whether a HUD-funded entity has engaged in discriminatory practices or has failed to affirmatively further fair housing. Systemic investigations may be local, regional, or national in scope.

Technical Evaluation Panel (TEP) is a panel whose mission is to accomplish sound, impartial, and comprehensive evaluation of proposals consistent with the Notice of Funding Availability. TEP members are selected from a diverse pool of evaluators, including HUD staff and outside (contract) individuals. Individuals are selected for TEP participation based on skill, background or expertise in areas which include but are not limited to fair housing experience, grant writing and evaluation expertise, strong analytical and writing skill, or education and outreach, civil rights or other related experience.

Testing is an investigative tool used to gather evidence. A test is a covert investigation by a QFHO or FHO involving one or more persons who initiate contact with a person or entity for the purpose of gathering information about housing policies, treatment and/or practices to compare with the requirements of fair housing laws or other civil rights laws. A test may involve comparing how persons similarly situated except for a protected characteristic are being treated.

Underserved Areas are areas where there are no Fair Housing Initiatives Program or Fair Housing Assistance Program agencies and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations and there is a need for service.

Underserved Populations means groups of individuals who are:

a. Of an immigrant population (especially racial and ethnic minorities who are non- English-speaking or have limited English proficiency);

b. Living in a rural area;

c. Homeless;

d. Persons with disabilities (physical or mental); or

e. Persons in areas where there is inadequate protection and ability to provide fair housing service from a State or local government or private fair housing organization.

4. Resources.

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

B. Authority.

1. Section 561 of the Housing and Community Development Act of 1987, as amended (42 U.S.C. 3616), established FHIP, and the implementing regulations are found at 24 CFR Part 125.

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

II. Award Information.

A. Available Funds.

$15,830,816 is available through this NOFA.

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

All remaining PEI-MY FY2017 appropriated funds will be used for continued PEI-MY funding of FY2015 and FY2016 PEI-MY grantees. Funding for the second and third year of the PEI-MY grants is subject to the availability of appropriations.

B. Number of Awards.

HUD expects to make approximately 53 awards from the funds available under this NOFA. The number of awards made from funds available under this NOFA depends on total funding, the number of eligible applicants, and other factors. For information on the methodology used to make award determinations under this NOFA, please see Section V.B Review and Selection Process below.

C. Minimum/Maximum Award Information.

The maximum award possible under this solicitation is $300,000.00. Specific maximum PEI award amount(s) and other eligibility information is listed in the Chart under Section III. Eligibility Information.

Estimated Total Funding:	$15,830,816
Minimum Award Amount:	$300,000 Per Project Period
Maximum Award Amount:	$300,000 Per Project Period

D. Period of Performance.

The period of performance for PEI-MY projects is 36 months. Obligations should be made within six months of notice of award and all grants expended in the specified agreed upon timeframe(s) established in negotiations. However, expenditures should be no more than 18-24 months from award.

Estimated Project Start Date:	06/04/2018
Estimated Project End Date:	06/03/2021
Length of Project Periods:	36-month project period with three 12-month budget periods
Length of Project Periods Explanation of Other:	The period of performance varies based on the specific component for which an applicant applies. For PEI-MYFC projects, the period of performance is 36 months.

E. Type of Funding Instrument.

Funding Instrument Type:	Grant

X Grant

HUD expects to award a fixed-price grant agreement to each applicant selected for award. The type of funding instrument HUD may offer a successful applicant that sets forth the relationship between HUD and the awardee will be a grant agreement, 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, and special conditions, including sanctions for violations of the agreement, reporting requirements including sub-recipient reporting requirements under the Federal Funding Accountability and

Transparency Act of 2006, and integrity requirements under Section 872 of the Duncan Hunter Defense Authorization Act of 2009. HUD will determine the type of instrument under which the award will be made and monitor progress to ensure that the awardee has achieved the objectives set out in the agreement. 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. Also, HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

For grant agreements, HUD will conduct monitoring reviews, request quarterly reports, and approve all proposed deliverables as documented in the applicant's Work Plan or SOW. Most FHIP funds are awarded under grant agreements.

F. Supplementation.

III. Eligibility Information.

A. Eligible Applicants.

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

Additional Information on Eligibility:
Under this NOFA, eligible applicants must be Qualified Fair Housing Enforcement Organizations (QFHOs) or Fair Housing Enforcement Organizations (FHOs), or the organization is ineligible. Applicants must complete the Appendix B, "Certification for PEI Applicants" to confirm QFHO or FHO stuatus.

If an organization does not currently have sufficient experience to qualify as a FHO or QFHO (see 24 CFR part 125.103 and 125.401), then the organization may be eligible to apply under FHIP's Education and Outreach Initiative (FR-6100-21A) and/or Fair Housing Organizations Initiative (FR-6100-21B) NOFAs. Please see those NOFAs for specific eligibility requirements.

The following chart details the PEI Initiative/ Component(s), the approximate available funding, and the eligible applicants and activities:

Initiative/ Component	Amount Available	Applicant Eligibility	Project Period	Award Caps	Applicant Eligible Activities
Private Enforcement Initiative (PEI) - Multi-year Funding Component	$15,830,816	Fair Housing Enforcement Organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations,	36 months	For FY 2017, up to $300,000 per year for a three-year duration subject to appropriations. All funding is	Eligible activities include, but are not limited to: (1) Intake of allegations of violations of the Fair Housing Act, testing, evaluating testing results, and providing other investigative work to

		and enforcement of meritorious claims in the two years prior to the filing of the application (24 CFR 125.103) and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement related experience and meritorious claims in the three years prior to filing this application (24 CFR 125.103). Both FHOs and QFHOs must currently conduct these enforcement activities and operate a full-service program.		based on the availability of appropriations.	provide a just resolution for violations of the Fair Housing Act that may violate federal, state or substantially equivalent local fair housing laws; (2) investigation of violations of the Fair Housing Act, through testing and other investigative methods including systemic investigations; (3) Mediation or other voluntary resolution of allegations of violations of the Fair Housing Act; (4) litigating fair housing cases, including procuring expert witnesses, and (5) conducting fair housing education activities. Activities are eligible only in cases involving conduct prohibited by, or rights protected under, the Fair Housing Act. HUD will allow applicants under the PEI-Multi-year to modify their activities with the approval of the GTR based upon changing demographics and/or need. All applicants must review Appendix A, for guidance on the format that should list the applicant's proposed tasks/activities.
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HUD does not award grants to individuals. HUD will not evaluate applications from ineligible applicants.

B. Cost Sharing or Matching.

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

matching.

There is no statutory requirement for applicants to leverage resources; however, under Factor 4 applicants may receive points for leveraging resources.

C. Threshold Requirements.

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

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

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

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

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

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

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

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

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

source of income.

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

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

Program Thresholds.

Only applicants deemed eligible will be ranked and rated.

1. All applicants must meet the eligibility requirements as defined in Section III A.
2. Applicants must be a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) prior to the application deadline date to be eligible for funding. Applications must include an IRS report showing 501(c)(3) status. If an applicant's 501(c)(3) status has expired prior to application deadline date, the application must show that the organization has applied for renewal of tax-exempt status and that the application is pending. If 501(c)(3) status has expired and there is no information regarding the application for renewal in the organization's application at the deadline date, the applicant will be deemed ineligible. In addition, if an organization with a pending 501(c)(3) application is selected for a funding award based on the review and selection process, the applicant must provide proof that the 501(c)(3) renewal was approved prior to release of funding. If the applicant’s pending application for renewal is subsequently denied, the applicant’s organization will be deemed ineligible and the award selection will be rescinded. Further, all applicants must maintain 501(c)(3) status throughout the grant period.
3. Minimum Score. Applicants must receive a minimum Technical Evaluation Panel (TEP) score of 75 points to be considered for funding.
4. Amount in Excess of the Maximum Amount. Applicants are ineligible for funding if they request funding in excess of the maximum amount allowed under the initiative or component for which they have applied.
5. Inconsistencies in the Requested Amount or Miscalculations. Inconsistencies in the requested amount and/or miscalculations that result in amounts over the maximum award amount will be considered excessive and the application will be considered ineligible.
6. Performance. Applicants receiving a "Poor" performance rating after FY 2014 under the FHIP are ineligible for funding for a one-year period. In addition, if a grantee received a poor performance assessment within 12 months of the NOFA due date, the organization is ineligible to apply under this NOFA. Applicants must demonstrate that they have

satisfactorily resolved the deficiency resulting in the "poor" performance to the satisfaction of HUD before applying after the one-year period. If applicants are unable to clear up all deficiencies, they should submit in their application their plan to correct such deficiencies. In addition, if FHIP has terminated grant funding for an organization, that organization must wait for a period of 1-year before reapplying for FHIP funding. The Department will determine the applicant's ability manage or receive funding awards as part of the TEP process.

7. Eligible Activities. When the majority of the proposed activities are ineligible (more than 50%) HUD will not fund the application.
8. Fair Housing Act/Protected Classes. Applicants that fail to address housing discrimination based on all of the protected classes of the Fair Housing Act will be ineligible.
9. Research Activities. Applicants are ineligible for funding if their project is aimed solely at research. If a successful application contains research and other activities, only the eligible portions of the application will be funded.
10. Suits Against the United States. An application is ineligible for funding if, as a current recipient of FHIP funds (within the last three years), the organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).
11. Other Litigation. An application is ineligible for funding if the organization proposes in its current application, or used funds provided by HUD (within the last three years) under this Program 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. 3616 note Sec. 561 (i))

Applicants that do not meet one or more of the Departmental or Program threshold requirements will not be eligible for funding.

D. Statutory and Regulatory Requirements Affecting Eligibility.

1. Compliance with Non-discrimination and Related Requirements.

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

Compliance with Fair Housing and Civil Rights Laws.

With some exceptions for federally recognized Indian tribes, recipients and their prospective subrecipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; Title II and Title III of the ADA of 1990.

Recipients of HUD funds, and their prospective sub-recipients, who are conducting programs or activities in a state or local jurisdiction that has passed a law prohibiting discrimination in housing based upon sexual orientation or gender identity, or a law prohibiting discrimination in housing based on lawful source of income, must comply with the law(s) of the state or locality in which the program activities are conducted.

If an applicant is a federally recognized Indian tribe or Tribally Designated Housing Entity

(TDHE), the applicant is exempt from the Fair Housing Act. For programs authorized under the Native American Housing Assistance and Self-Determination Act, the non-discrimination provisions enumerated at 24 CFR 1000.12 apply. Furthermore, the applicable civil rights requirements may depend on whether the applicant is a Federally-recognized tribe.

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

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

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

Economic Opportunities for Low-and Very Low-income Persons (Section 3).
Certain programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 135. The regulations at 24 CFR part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low-and very low-income persons where a proposed project is located.

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

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

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

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

Accessibility Requirements. All grant recipients and sub-recipients must use facilities and services that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, recipients and sub-recipients must give priority to alternative methods of product delivery that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and its implementing regulations at 24 CFR Part 8, and Titles II and III of the Americans with Disabilities Act, as applicable. All programs or activities must be held in accessible locations unless the recipient can demonstrate that doing so would result in a fundamental alteration of the program or an undue financial and administrative burden, in which case the recipients must take any action that would not result in such an alteration or such burden but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity, *e.g.*, training at an alternate accessible site, in-home training. Individuals with disabilities must receive services in the most integrated setting appropriate to their needs.

Effective Communication. Successful applicants must ensure that notices of and communications during all training sessions and meetings are provided in a manner effective for persons with hearing, visual, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24 CFR 8.6), and as applicable, the Americans with Disabilities Act. This includes ensuring that materials are in appropriate alternative formats

as needed, *e.g.*, Braille, audio, large type, sign language interpreters, and assistive listening devices, *etc*.

2. HUD- or Federal government-wide Requirements.

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

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

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

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

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

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

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

information in FAPIIS through SAM. HUD reserves the right to:

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

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

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

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

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

If the recipient has a parent, affiliate, or subsidiary organization, whether non-profit or for-profit, the recipient must also maintain written standards of conduct covering organizational conflicts of interest. "Organizational conflicts of interest" means that because of relationships with a parent, affiliate, or subsidiary organization, the recipient is unable, or appears to be unable, to be impartial in administering the award or serving as a pass-through-entity.

h. Conflict of Interest of Consultants or Technical Experts Assisting HUD – Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2017 Program NOFAs are subject to 18 U.S.C. 208, the federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2017 Program NOFAs may not serve on a selection panel and may not serve as a technical advisor to HUD. Anyone involved in rating

and ranking FY 2017 Program NOFA applications, including departmental staff, experts and consultants must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD's Office of General Counsel Ethics Law Division the following information, if applicable:

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

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

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

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

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

the manner in which the applicable contents of the PHA Plan are consistent with the Consolidated Plan.

E. Program Specific Requirements.

1. Applicants must be a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) under 24 CFR 125.103.
2. The application must demonstrate that the "applicant organization" is a broad-based and full service project (as defined under section I.A.3 – Program definitions), or the application will be deemed ineligible. If the application has income restrictions for services, the application must identify this restriction, and describe how individuals who fall outside of the restrictions are being equally served and how that service is provided. If not provided, the applicant will be deemed ineligible.
3. Fair Housing Related Activities. All of the program related tasks/activities and costs within the Statement of Work (SOW) and budget must be fair housing related activities, and must demonstrate an explicit connection to furthering the non-discrimination provisions of the Fair Housing Act. HUD will not fund any portion of an application that is not eligible for funding under the regulatory requirements or that does not meet the requirements under this NOFA. Only the eligible portions of a successful application will be funded.
4. Fair Housing Act/Protected Classes. All FHIP-funded projects must address housing discrimination based on race, color, religion, sex, disability, familial status, and/or national origin and further the non-discrimination provisions of the Fair Housing Act. HUD is determined to ensure equal opportunity and access to housing in all communities across the nation. All services and activities must be available to all protected class members. The application's description of proposed activities must reflect the commitment to address housing discrimination affecting all of the above protected classes.
5. Eligibility of Successor Organizations for PEI. HUD recognizes that QFHOs and FHOs may either merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization with a separate Employer Identification Number (EIN) does not confer QFHO or FHO status upon the successor organization. To determine whether the successor organization meets eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization must establish in its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one-year experience for an FHO to be eligible to apply under the PEI Initiative. Under PEI, when QFHOs merge with another QFHO during the period of performance, HUD will look at the enforcement related experience of the merged organization to determine continued eligibility status as a QFHO. When QFHOs merge with a FHO with at least one-year of experience, HUD will assess the eligibility of the new organization under the Multi-Year Funding Component. 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 LOCCS account. IIn addition, the new organization must secure a new DUNS number and have an active registration in SAM before HUD will make the

award to the new organization or allow additional funds to be drawn. If the new organization cannot secure a new DUNS number or register in SAM, then the grant will be suspended and terminated.

6. Private Enforcement Initiative – Applicants that received FY2015 or FY2016 PEI-MYFC funding are ineligible to receive a new FY2017 PEI-MYFC or to have their funding increased. Those applicants will receive funding at their current PEI-MYFC grant agreements, based on appropriations. Ineligible PEI-MYFC applicants may apply and receive funding under other initiatives/component(s) if all funding restrictions are adhered. Applicants must submit a separate application for each component and/or initiative which the applicant applies.
7. HUD will not fund organizations if the parent or an affiliate/subsidiary organization receives PEI-MYFC funding. In addition, HUD will not allow affiliate 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, e.g., able to conduct business on an on-going basis without support from parent and set apart from parent organization.
8. A parent organization that is a QFHO or an FHO, and with a separate Employer Identification Number (EIN) does not confer QFHO or FHO status upon an affiliate organization. To determine whether the affiliate organization meets eligibility requirements for this Initiative, HUD will review the enforcement-related independent experience of the affiliate organization (based upon the organization's EIN). The affiliate organization, under that EIN must establish in its application that it is a private, tax-exempt organization with the requisite years of enforcement related independent staff and organization experience from that of the parent organization for a QFHO or one-year of independent staff and organization experience for an FHO to be eligible for funding.
9. Closeout should be undertaken as specified in 2 CFR Part 200.343 "Closeouts".

HUD reserves the right to request proof that an organization has met the program specific requirements if selected for funding. If selected, and proof is not provided, the applicant will be deemed ineligible. Applicants that do not meet one or more of the program specific eligibility requirements will be deemed ineligible for funding. Only applicants deemed eligible will be ranked and rated.

F. Criteria for Beneficiaries.

This program has eligibility criteria for beneficiaries.

1. Single Audit Requirement. All applicants who have expended $750,000 or more in Federal financial assistance within a single year (this can be a program or fiscal year) must be audited in accordance with the requirements as established in 2 CFR Part 200.501. If an applicant receives $750,000 or more in Federal financial assistance, the applicant's application must set aside funds to complete the audit.

2. **Dun and Bradstreet Numbering System.** (DUNS) Numbering Requirement. Refer to the General Section for information regarding the DUNS requirement referenced at IV.C. The DUNS number used in the application must be for the applicant organization identified in Box 8a on the HUD424, Application for Federal Financial Assistance.

3. **Independence of Awards.** The application submitted must be independent and capable of

being implemented without reliance of other applications, or other grantees(s). Applicants applying under one of the FHIP Initiatives may not use the performance (e.g., performance review rating or successfully completed activities) of another organization to meet the requirements of Rating Factor 1.

4. **Testing Requirements for PEI Applicants.** If funded, during negotiations applicants must provide a copy of its organization's written policy demonstrating that the organization policy/policies comply with the FHIP Regulation at 24 CFR 125.107. In addition, applicants should be prepared to adopt policies and practices that include a criminal background check on potential testers, and require that potential testers certify under penalty of perjury that they meet the requirements under that section. Costs for all background checks should be included in the applicant's budget.

5. **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) The training materials to be provided for tester training; and

(2) Other forms, protocols, cover letters, etc., used in the conduct of testing and reporting of results.

6. Training Funds. The applicant's proposed budget must set aside $5,000 annually to be utilized to participate in HUD sponsored mandatory or approved training. Grants with a performance period of 12-18 months are considered 12 month grants for purposes of this requirement. For the PEI Multi-Year component, the proposed budget must set aside $5,000 annually for a 36-month duration subject to availability of appropriations. Do not specify amounts over $5,000, per instructed above, for training set-aside in this category. If an applicant has not included this 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.

If an applicant is awarded more than one grant, 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.

IV. Application and Submission Information.

A. Obtaining an Application Package.

Instructions for Applicants

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

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

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

Myron Newry
Phone: (202) 402-7095
Email: Myron.P.Newry@hud.gov
Office of Fair Housing and Equal Opportunity
451 7th Street, SW
Room 5222B
Washington, DC 20410
Phone 2: (202) 708-4445
All waiver requests will be submitted to the Assistant Secretary for a final determination.

If you are granted a waiver, the notification will provide instructions on where to submit the application and how many copies are required. If you receive a waiver of the electronic application submission requirement, your paper copy application must be received by HUD in room 5222B no later than 4:30 pm eastern time on the application deadline date. HUD applications are scanned. The scanning facility at HUD Headquarters closes at 5:00 pm eastern time. Applicants must allow adequate time for the application to be scanned through this facility. Applications not received in 5222B by the 4:30 pm Eastern Time deadline date shall be deemed ineligible. There is no grace period for paper application submissions.

HUD will not accept a paper application without a waiver being granted and such paper applications will be returned to sender.

We advise you send your application via a carrier that provides a receipt of delivery. In addition, you will receive a confirmation (via HUD 2993 Form) confirming HUD's receipt. This HUD receipt may not come before the submission deadline.

B. Content and Form of Application Submission.

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

Submission of an application under the wrong CFDA and Funding Opportunity Number is not a curable deficiency and will result in your application being declared ineligible for funding.

1. Content.
Forms for your package include the forms outlined below:

Forms / Assurances / Certifications	Submission Requirement	Notes / Description
Certificate Regarding Lobbying	All applicants must submit with their application the signed Certification Regarding Lobbying included in the Application download from Grants.gov. Federally-recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally-recognized Indian Tribes are excluded from coverage of the Byrd Amendments.	The Byrd Amendment and 24 CFR part 87 prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a specific award.
Application for Federal Assistance	Form SF424 (per required form). Applicants must include the nine digit zip code (ZIP code plus four digits) associated to the applicant's address in box 8d of the SF424. Also, in Box 15, along with the Initiative, an applicant should include the Component to which you are applying.	Required form
Disclosure of Lobbying Activities	SFLLL, if applicable: (per required form).	Submission of this form is required if any funds have been paid, or will be paid, to any person for influencing, or attempting to influence, or officer or employee of an agency, Member of Congress, an officer or employee of Congress, or an employee or Member of Congress for this commitment of the United States to enter into an award or cooperative agreement.

Applicant-Recipient Disclosure Update Report	HUD2880 ("HUD Applicant Recipient Disclosure Report");	Required form.
Survey for Ensuring Equal Opportunity for Applicants	HUD424 Supplement (“Faith Based EEO Survey (HUD424SUPP); (per required form). Non-profit private organizations (not including private universities) are encouraged to submit the survey with their application. Applicants applying electronically, may submit this survey along with the application as part of the appendix or as a separate document.	Required form
Certification_ of_ Consistency with Promise Zone Goals and Implementation, if applicable Communities, if applicable	Form HUD 50153, if applicable	This form is required if applicant would like to apply for Promise Zone Bonus points.
Race and Ethnic Data Reporting Form	HUD27061	Required form - post award
Budget Information	Form HUD424CBW ("HUD Detailed Budget Form and Worksheet)	Required form.
Acknowledgment of Application Receipt (HUD2993), if applicable	This form is applicable only to applications submitted on paper, following receipt of a waiver of electronic submission.	This form is not required but is available for applicants who want confirmation that their hard-copy application was received by HUD. The form must be submitted with the application, in accordance with the application submission instructions included in the waiver of electronic submission.

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

- Factor 1-5 Narratives as described in Section V, "Application Review Information" of this NOFA.

- Project Abstract (One-page summary including Initiative and component applied, amount of funding requested, general description of project activities, areas of concentration, and issues pending resolution, if any).

- Affirmatively Furthering Fair Housing (AFFH) Statement. This statement may be addressed in the applicant's Statement of Work. A narrative discussing how the organization will carry-out the proposed activities in a manner that affirmatively furthers fair housing in compliance with Section 808(e)(5) of the Fair Housing Act.

- Statement of Work (SOW) Narrative and SOW chart (see Appendix A for sample chart), and Narrative Budget Work Plan and Form Grant Application Detailed Worksheet (HUD424CBW).

- Any Factor 1 charts required under Section V of this NOFA.

Further, all applicants must read and adhere to Initiative and Component specific submission requirements under Section III, Eligibility. Applicants must submit a separate completed electronic application for each specific Initiative and component for which the applicant is applying. All applications must be submitted on or before the deadline date.

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

a. Requirements Applicable to All Applicants. The maximum length of the narrative response is ten (10) pages per factor. Applicants may submit fewer pages if desired. The narrative pages must be double-spaced. This includes all text, titles and headings. Applicants are required to use 12 point font. You must respond fully to each rating factor to obtain maximum points. Failure to provide narrative responses to rating factors 1-5 or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factor. The following items do not count towards the ten page maximum: Statement of Work and Budget chart or other information, and Factor 1 Organization Experience chart(s).

b. If an applicant cannot access the toll-free number or experience problems, please call (215) 825-8798 (this is not a toll-free number). Applicants must follow the directions provided in the General Section for faxing information as part of their application submission. Failure to do so will result in the application being rejected by the Grants.gov system with a "VIRUS DETECT" error message.

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

1. SAM Registration Requirement

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

2. DUNS Number Requirement.

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

3. Requirement to Register with Grants.gov.

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

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

D. Application Submission Dates and Times.

The application deadline is 11:59:59 p.m. Eastern time on **10/06/2017**. Applications must be received no later than the deadline.

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

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

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

Applications received by Grants.gov must be validated by Grants.gov in order to be received by HUD. "Validated by Grants.gov" means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting "Applicants" from the top navigation, and selecting "Track my application" from the dropdown list. If the application status is "rejected with errors," you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in "rejected with errors"

status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after submitting an application. To quickly check the status of your application:

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

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

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

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

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

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

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

In the event of either of these events, HUD will post a notice on its website that establishes the

new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program's Notice of Funding Awards that is required to be published in the Federal Register.

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

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

1. Amending or Resubmitting an Application.

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

2. Grace Period for Grants.gov Submissions.

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

3. Late Applications.

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

4. Corrections to Deficient Applications.

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

on behalf of the applicant. These examples are non-exhaustive.

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

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

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

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

E. Intergovernmental Review.

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

F. Funding Restrictions.

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.** Grantees must reimburse the Federal government the amount of the grant from all financial settlements, conciliations, and agreements reached

because of their use of FHIP funds. With prior approval from the HUD Government Technical Representative (GTR), grantees may choose to use the funds as program income to further fair housing activities rather than returning these funds to HUD.

3. **Limitations for Education & Outreach. A** 20 percent cap on the dollar amount allowed for education and outreach related activities. If the limit is exceeded, points will be deducted in the rating process and if awarded, funds will be adjusted to maintain the required limitation.
4. **Eligibility for FHOI.** Applicants may not receive a FHOI Continuing Development Component (CDC) award if they receive funding under the Multi-year component.
5. **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.
6. **Number of Awards.** An organization may not receive more than one award under a single component. In addition, if two organizations with separate EIN's apply separately for funding under a single component, but identify several of the same direct personnel and/or key staff for both organizations (i.e. sharing of key staff), FHIP will fund only one organization. This restriction ensures FHIP's commitment to continued program integrity by eliminating double payments under a single component to an organization or individuals. This restriction includes but is not limited to any organization affiliate, associate, subsidiary, or other organizations that engage in direct personnel and/or key staff sharing protocols.

Indirect Cost Rate.

Indirect Cost Rate: No restrictions, applicants may use their negotiated rate or the de minimis rate (10% of Modified Total Direct Costs).
Non-governmental organizations: If you are using a negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and include a letter or other documentation from the cognizant agency showing the approved rate. If your organization has never had an indirect cost rate and wishes to use the de minimis rate, your application must clearly state you intend to use the de minimis 10% of Modified Total Direct Costs (MTDC).

Governmental organizations: If your organization has a negotiated indirect cost rate, your application must include the rate and a letter or other documentation from the cognizant agency showing the negotiated rate. If your organization has prepared and maintains documentation supporting an indirect rate proposal but has not negotiated approval of the rate, your application's budget narrative must include the rate and applicable distribution base.

G. Other Submission Requirements.

1. Discrepancies between the NOFA on Grants.gov and Other Documents.
The Program NOFA posted at the Grants.gov website is the official document HUD uses to

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

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

3. Lead Based Paint References

When providing education or counseling on buying or renting housing that may include pre-1978 housing, when required by regulation or policy, 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, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

V. Application Review Information.

A. Review Criteria.

1. Rating Factors.
The criteria for rating and ranking applications, as well as the maximum points for each Rating Factor are provided below. Applicants must address all five rating factors. The maximum number of Rating Factor points awarded under this NOFA is 100.

Rating Factor 1	Maximum Points: 36

Capacity of Applicant and Relevant Organizational Experience (up to 36 points).

All Applicants. This factor addresses the extent to which the organization has the staff experience and organizational capacity necessary to successfully complete the proposed project by the end of the grant performance period. Applicants without the requisite experience may consider applying for a Fair Housing Organizations Initiative grant (FHOI) to improve capacity and gain the experience necessary to apply for future funds. Please see FHIP's FHOI NOFA.

Under this NOFA, applicants must clearly address the following:

(1) Description and expertise of staff (Up to 20 points)

The applicant must describe staff expertise to show that the applicant organization will have both sufficient and qualified staff available to complete the proposed activities, including new hires and contractors or consultants. The applicant must:

(a) Describe the organization staffing plan including applicant plans to add staff (employees) or contractors.

1. To receive full points, the staffing plan must demonstrate that there is sufficient current applicant organization staff (more than one key staff) with fair housing related experience, at the time of the application due date. The plan must also describe its plan to add staff and/or contractors to complete the proposed project. If the applicant is sharing activities with other FHIP funded organizations, the applicant must list the total percentage of FHIP related activities each FHIP funded shared organization is undertaking, including as a grantee, sub-grantee, contractor, consultant or any other capacity. Failure to provide information that demonstrates that the applicant organization has current sufficient staff will result in 36 points being deducted from your application (this information may be provided in a chart and will not be included within the 10-page limit). (up to 6 points)
2. If the application proposes using contractors, the applicant must provide a statement describing how the organization will evaluate and provide oversight for each contractor. The staffing plan should identify each staff person(s) assigned to the proposed project by name and position, and the percentage of estimated time that each will devote to the proposed project. This description must also identify the project's proposed Project Manager, by name and title, and percentage of time that that the individual will devote to the proposed project. The NOFA requires that Project Managers devote at least the following percentage of time to the proposed project:

50 percent of time

If applicable, the applicant must identify FY2014, FY2015 and FY2016 FHIP grant awards and sub-grantee projects, and identify each staff person assigned to the projects, including staff 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. Applicants who are applying for, or currently have multiple open FHIP grants must describe how the applicant will manage, operate, and maintain activities, performance requirements and timetables for these multiple grants. Failure to provide this information will result in the applicant receiving reduced points under this sub-factor. The applicant's listing or chart does

not count towards the ten-page (10) limit for Factor 1.

The applicant must respond to all sub-factor (a) requirements listed above to receive the maximum points. Applicants will not be deducted points for not identifying FY2014, FY2015 and FY2016 FHIP grant awards and sub-grantee projects if this section is not applicable. (Section 2 - up to 6 points)

(b) Describe each key staff person's fair housing related experience and how that experience will contribute to the proposed project including any experience relating to enforcement activities and/or proposed fair housing training or disseminating information to the community. Please do not include resumes. For proposed hires, the applicant must identify the position, percentage of time the proposed staff will devote to the project, and the position requirements that will assist the organization in successful project completion. For proposed consultants or contractors, the applicant must describe experience that contributes to the organization completing the proposed activities, including any fair housing related experience. (up to 4 points)

(c) Demonstrate that the organization has available staff with the appropriate training, expertise and experience to conduct tests or the applicant must propose a plan and budget (under Factor 3) for training and technical assistance for testing. If an applicant proposes complex testing, such as real estate sales, mortgage lending, or homeowner's insurance, the applicant must describe the specialized staff training, expertise and/or experience to complete the proposed testing activities (up to 4 points)

(2) **Organizational Experience (up to 16 points).** The applicant must describe the applicant organization's ability to complete the proposed project within the grant period and show the project effectiveness:

(a) Show that the applicant organization has conducted past project(s) similar in scope and complexity (whether FHIP funded or not) to the project proposed or engaged in activities that, although not necessarily similar, are readily transferable to the proposed project and the results. (Up to 4 points)

(b) Describe the applicant organization's experience working with populations of the targeted area of need, including diverse populations faced by historic segregation. (Up to 2 points)

(c) Specify how FY2017 funds will include the capacity to conduct systemic investigations and specify how the funds will expand FHIP funded activities or other fair housing enforcement activities toward increased investigations of housing discrimination activities including systemic investigations and their effectiveness. (Up to 2 points)

(d) Provide a description of the organization's current experience (within the last two years) in each of the following fair housing enforcement activities: (1) number of complaints received and processed, by basis and issue; (2) Number of complaints referred to HUD for investigation; (3) testing program, types of tests and basis, including number of tests conducted (both individual and systemic); (4) investigative experience, apart from testing, conducted by your organization; and (5) summarize the complaint outcomes, including judicial and administrative findings, number of pending complaints, and number of awards and amount to plaintiffs of monetary and non-monetary relief, and (6) activities that further the enforcement objectives of full service and broad based fair housing activities. Applicants must show how they are

providing a full service fair housing enforcement project that address protected classes under the Fair Housing Act and that meets the need(s) outlined in Rating Factor 2; and how they are providing a broad-based fair housing enforcement project. Applicants must show how they have met these requirements in the past 2 years and outline specific instances for each category. The listing may be provided in a chart form that will not count against the 10-page limit. (Up to 8 points)

Rating Factor 2 Maximum Points: 16

Need/Distress/Extent of the Problem (up to 16 points)

This factor addresses the extent to which there is a need for funding the proposed activities. The need(s) described must relate to the activities for which funds are being requested under factor (3).

(1) Highly segregated area focus: Applicant should provide evidence demonstrating that they have worked in areas of need in highly segregated locations. (Up to 3 points)

To receive maximum points for elements 2- 5 below, applicants must demonstrate a direct relationship between the purpose of the program, the applicant's proposed activities, the fair housing needs of the community or communities, and how the applicant plans to address discrimination, including systemic discrimination, in a way that meets those fair housing needs.

(2) Problem Statement: Applicant should define the need the applicant has identified. Supporting data/evidence demonstrating identified need is required. (up to 4 points)

(a) Describe the specific need(s) fair housing needs of the community or communities that will be addressed under this application.

(b) Address the target area's impediments to fair housing choice, if applicable.

(3) Proposed solution: Applicant should describe their proposed solution to address systemic and other housing discrimination. Supporting evidence demonstrating the effectiveness of proposed interventions is required. (up to 6 points)

(a) Describe applicant's plan to address discrimination, including systemic discrimination, in a way that meets those fair housing needs.

(b) Describe why this intervention will be effective.

(c) Show how the use of any other relevant information from various studies done by HUD or any other reliable source (Consolidated Plan, AI/Assessment of Fair Housing, statistics, etc.) are used to support need and impact to the proposed target area.

Applicants should not submit copies of reports or supporting documentation in the application, but reference any reports, statistics or other data used by providing appropriate websites where the data or reports may be found. Reference information should be current within the last 3 years or points will be deducted.

(d) Describe the link between the need and your proposed activities to show the extent of the problem in the targeted area. This should include the presence of systemic housing discrimination, high segregation indices, or other evidence of discrimination prohibited by the Fair Housing Act within the project area.

(e) Address the need for language assistance services in languages other than English by

describing the target population's language needs and actions which will make the applicant's activities available to meet those language needs. All printed material being disseminated to the public must be in English and two other languages. Please provide a brief description of what added languages will be used based on the targeted population and how materials in other languages will be translated and by whom.

(4) Need: Applicant should describe any potential imminent adverse consequences to persons in protected classes covered under the Fair Housing Act if not selected for funding. (up to 2 points)

(5) Application of Funding: Applicants must specify how FY2017 funds will differ from prior projects and/or expand enforcement activities towards increased systemic investigations of housing discrimination activities and outcomes to address the identified need. (up to 1 point)

Rating Factor 3 Maximum Points: 30

Soundness of Approach (up to 30 points). This factor addresses the soundness, quality, and effectiveness of the proposed work plan and the commitment of the applicant to sustain the proposed project activities.

a. Proposed Statement of Work (SOW) and Information Requirements (up to 16 points). This sub-factor does not count toward the ten (10) page limit under this rating factor. Each applicant should complete a detailed SOW narrative and chart.

The sub-factor will be evaluated on the extent to which the applicant provides a clear detailed description of the proposed project activities, and where applicable, proposed outcome measures. The proposed SOW narrative should identify the proposed activities, the specific deliverables and the anticipated outcomes consistent with the activities outlined in the required SOW chart. Applicants must also include in their SOW narrative: a description of the continuation of existing activities or expansion or creation of systemic investigation(s) based on prior 2017 FHIP funded activities or other fair housing enforcement activities. Applicant's SOW narrative must correspond with the activities outlined in Attachment A. (SOW narrative - up to 4 points)

SOW chart (Appendix) A - Statement of Work. All applicants should use the format outlined in Appendix A as an example to describe the organization's specific SOW tasks. The Administrative Tasks in Appendix A are standard general tasks, however the tasks may be edited to fit the applicant's specific tasks. Under the Program Tasks section, each applicant should complete a detailed SOW based on the specific enforcement and EOI activities proposed in the organization's application, including activities and tasks, and proposed outcomes where applicable. The Statement of Work (SOW) program tasks must include complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims, and describe:

(1) all proposed project activities and major tasks (up to 3 points),

(2) a list of team members/staff and partners as identified in Factor 1 who will be responsible and accountable for completing the task (up to 3 points),

(3) the steps to complete the proposed activities required to successfully implement the proposed project (up to 3 points), and

(4) the proposed outcomes where applicable under program tasks. (up to 3 points)

Applicants must submit a SOW and a separate budget for each actual year of the organization's activities (36 months). Funded applicants must submit yearly reports on outputs and outcomes.

b. **Budget and Cost Estimates (up to 14 points).**

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, as well as the appropriateness of budget allocations and rationality of the proposed budget and narrative. The budget information provided, which should include a Narrative Budget Work Plan and a Grant Application Detailed Worksheet (424 CBW) will be evaluated based on whether the expenses are reasonable, thoroughly explained, supported, and appropriate to carry out the proposed project.

Applicants should also include a budget for sub-contractors or sub-recipients if the amount exceeds $5,000. Regardless of the amount paid to a sub-contractor or sub-recipient, applicants must also provide a narrative work plan that includes all costs associated with sub-contractor or sub-recipient activities.

(1) The applicant's budget narrative and 424 CBW must relate to the tasks in the SOW, including identifying key team members/staff and partners, as identified in Factor 1 who will be responsible and accountable for completing major tasks. In addition, the applicant's budget narrative should include a description of the organization's Financial Management Capacity. The applicant must describe their organization's financial management system and your Board's role in financial management or oversight.

(2) The applicant must describe their organization's capabilities in handling financial resources, disseminating payments to third parties, e.g. contractors, and maintaining adequate accounting and internal control procedures. In addition, applicant with current or prior FHIP grants should provide a listing or chart of the most recent of all HUD FHIP grants received through 2016, including the grant number, dollar amount awarded, the amount expended and obligated as of the 30 days prior to the date the application is submitted and describe the applicant's activities and results (outcomes) achieved in the previous FHIP grant. The applicant's listing or chart does not count towards the 10- page limit.

Applicants must submit a separate budget narrative and 424 CBW for each budget year. The Narrative Budget Work Plan and 424 CBW do not count towards the ten (10)-page limit on the narrative response to this rating factor.

Applicants may receive up to 7 points for the Narrative Budget Plan, and up to 7 points for a completed 424 CBW.

Rating Factor 4	Maximum Points: 3

Leveraging Resources/ Developing Partnerships (up to 3 points). This factor addresses the ability of the applicant to increase capacity by developing partnerships and securing resources that can be combined with HUD's FHIP funds. It is HUD's intent that these resources will assist the organization through this project in achieving its purpose and long-term commitment to the community after funds have expired. To receive full points under this factor an applicant must have both internal resources (provided by the applicant) and external resources.

a. Firm Commitment of Leveraging or Collaboration. HUD requires applicants under this factor to secure resources from sources other than what is requested under this FHIP NOFA. Leveraging of community resources may include funding or in-kind contributions, such as workspace, services or equipment, allocated to facilitate proposed project activities. Contributions or cash from the applicant, affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Nor may an applicant request the waiver of fees to be collected as leveraged funds. Cash or funds from an applicant's previously established investment account(s) may qualify as in-kind resources; however, support documentation must be provided. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private nonprofit organizations, faith based organizations, for profit or civic private organizations, or other entities' planned contributions. In order to obtain points for leveraging third party resources the application must provide signed letters of firm commitment or signed agreements/statements from the organizations and/or individuals that will provide financial or in-kind support for your project on the respective organization's letterhead. See the **General Section** for instructions on how third party documents are to be submitted to HUD via the electronic submission process.

(1) Each letter of firm commitment or documents must:

(a) State definitively a commitment to provide funding or in-kind resources (although the commitment may be on the condition that your organization receives a FHIP award);

(b) Identify the organization and/or individual committing resources to the project and state the timeline for these funds in relation to the project. The letter should identify any affiliation with the applicant;

(c) Identify the sources and amounts of the leveraged resources (the total FHIP and non FHIP amounts must match those in your proposed budget submitted under Rating Factor 3); and

(d) Describe how these resources will be used under the applicant's SOW; and be dated and signed by the individual or organization official legally able to make commitments for the organizations on the organization's official letterhead.

If applicants fail to meet these requirements, they will not receive points under this Rating Factor.

If the resources are in-kind or donated goods, the firm commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. Do not include indirect costs as a part of any in-kind resources. In-kind leveraging contributions, and Program Income must comply with 24 CFR Part 200 requirements. Goods and services secured with FHIP funds cannot be used for any in-kind or donated services (services of a current staff person on a FHIP funded project). If after award leveraged resources are subsequently withdrawn or modified from the approved amount, the Government Technical Representative may deem the grantee ineligible to receive any remaining FHIP funds under this award.

There will be no points awarded for general letters of support endorsing the project from organizations, including elected officials at the local, State, or national levels, and/or individuals in your community. If at least 10% of your project is not supported by non-FHIP

resources, then you will not receive any points under this factor. Points will be assigned for each Initiative based on the following scale:

Points Awarded	Leveraging Resources
Two	From 10 percent to less than 30 percent of total project costs from non FHIP resources
Three	Less than 30 percent of total project costs from non-FHIP resources AND a letter of firm commitment from a FHAP which when combined together, exceeds 30 percent of the total project costs OR 30 percent or more of total project costs from non FHIP resources

Rating Factor 5 Maximum Points: 15

Achieving Results and Program Evaluation (15 Points)

This factor reflects HUD's goal to embrace high standards of innovation, technology, management, accountability, and effectiveness. It measures the applicant's commitment to assess its performance to achieve the project proposed objectives and goals.

Based on the narrative statements (staff, proposed activities etc.) that the applicant provided in Factors 1 through 3, in evaluating this Factor, HUD will assess the extent to which the applicant demonstrates how results of the project will be measured consistent with activities outlined in the proposed Statement of Work. The applicant should outline its strategy for evaluating and improving (if necessary) the organization's program performance against proposed activity goals during the grant period:

The applicant must describe –

1. Measurement (up to 5 points) – What strategy or strategies will the organization utilize to measure its outputs and outcomes? This description should include but is not limited to describing:

(a) data collection/analysis methods to measure outputs and outcomes;

(b) technological tools in place to capture, maintain, and share data;

2. Accountability (up to 5 points) What strategies will be put into place to evaluate and assure that the organization's project activities, staff and overall program management provide for cost effective practices to assist the Department in improving program outcomes, share lessons learned and provide others with best practices? We will give points to organizations that propose performance indicators that evaluate outcomes and/or outputs and that can cause reliable, valid data.

(a) factors/indicators that will be used to determine if outcomes are successful, if possible improvements are necessary, etc.;

(b) time-lines for continuous evaluation and adjustments if necessary.

(c) Applicants should explain in detail the impact of the grantee's SOW activities on

enforcement actions. Applicants should express outcomes on each activity and how their organization's numbers are validated based on the grantee's experience. Applicants should state in this factor the impact and results they intend to achieve through their activities using past experience as a determining factor. For example, applicant should state the number of people receiving remedies through Fair Housing Act enforcement work over the past five (5) years.

(d) Applicant should state the number of people receiving remedies through Fair Housing Act enforcement work per case over a five-year period. Further, applicants should show the monetary relief received through Fair Housing Act enforcement work over a five-year period.

(e) Finally, applicants should show what percentage of actions resulted in changes in local ordinances or state statutes over a five-year period.

(f) Quarterly reports should respond to these questions:

1. How many persons does the organization propose to serve? How is the estimate derived?
2. How many have been served based on your proposed number?
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 received for victims of discrimination?
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 or FHOI engagement with local jurisdictions/regional organizations?

(g). Applicants will have to report outcomes and evidence of continued project success in quarterly and final performance reports, which may include but are not limited to: (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 enforcement success, e.g., settlement outputs and outcomes, systemic investigation outcomes and outputs).

3.Implementation (up to 5 points) Applicants must also describe specific, actionable evidence that your proposed performance indicators (strategies) are likely to be implemented.

(a) High Standards – What strategy will the organization use to assure improved accountability and transparency, and ensure efficient and effective program management?

2. Preference Points.

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

a. To receive Preferred Sustainability Status Communities Preference Points, applicants must submit form HUD 2995, Certification of Consistency with Sustainable Communities Planning

and Implementation, signed by the designated Preferred Sustainability Status Community point of contact. Designated PSS Communities Points of Contacts can be found on HUD's website (click here).

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

B. Review and Selection Process.

1. Past Performance

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

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

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

2. Assessing Applicant Risk

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 Government Technical Representative (GTR) Final Performance Assessment Report received from the applicant HUD GTR. 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. These points will be deducted from an applicant's overall rating score based on the GTR Final Performance Assessment Reports.

3 points if the applicant received a "Fair"

1 point if the applicant received a "Good"

If the applicant received FHIP funds and received a rating of "Poor" for its most recent FHIP GTR Final Performance Assessment, its FY2017 FHIP application will be deemed ineligible for a one-year period. Applicant must have addressed or attempted to address the factors that resulted in the "poor" performance to the Department's satisfaction before applying again or the applicant will remain ineligible. An applicant that disagrees with its determination of ineligibility for the FY0217 competition because of a "Poor" performance rating must adequately address the factors resulting in the "Poor" performance rating to HUD's satisfaction before the FHIP application deadline date.

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

3. Rating and Ranking. Applicants may be funded under this component:

(a) Multi-year Funding Component (MYFC)

4. For all initiatives. The maximum number of points to be awarded for the Rating Factors is 100.

Applicants may also be awarded 2 preference points for Preferred Sustainability Status Communities or Promise Zones.

5. Ineligible Applications. Ineligible applications will not be rated or ranked.

6. Minimum Score to be Funded. Only applications with a rating of 75 points or more will be considered of sufficient quality for funding.

7. Tie Breaking. When two or more applications have the same total overall 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, then the tie will be broken by the Rating Factor 3 score. And if a tie still remains, the application committing the greatest Leveraged funds under Rating Factor 4 will be selected.

8. 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, the requirements of the **General Section**, or where:

1. HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
2. An ineligible activity is proposed in an otherwise eligible project;
3. Insufficient funding amounts remain to award the full amount requested in the application, and HUD determines that partial funding is a viable option;
4. The past record of key personnel warrants special conditions; or,
5. Training funds are not reserved for FHIP training.

9. Reallocation of Funds. After all applications within funding range have been selected or

obligations are completed in an Initiative if funds are still available, HUD will have the discretion to reallocate those remaining funds among Initiatives:

– Any remaining funds from any component will be reallocated first within this Initiative. If after reallocating funds within the Initiative and funds still remain, they shall be reallocated to FHOI.

C. Anticipated Announcement and Award Dates.

HUD expects to announce the award of funds by 11/30/2017 and anticipates a start date of 12/31/2017.

VI. Award Administration Information.

A. Award Notices.

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

1. **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 NOFA 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 as described in the General Section (see section B.3). HUD will only communicate with persons specifically identified in the SF424 in the application. HUD will not provide information about the application to any third party such as contractors.

b. Negotiations. If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. The selection is conditional and does not become final until the negotiations are successfully concluded and the grant or cooperative 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 Grant Officer and Government Technical Representative will determine on a case-by-case basis if technical assistance or special conditions are required.

c. Applicant Scores. After awards are announced, applicants will receive a copy of their final score. HUD will not release the names of applicants or their scores to any third party. Applicants may secure a copy of a successful FHIP application for FY2011 at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/foia/highscore after all funding decisions are made. HUD's FOIA page has archived the highest rated application for FY2011 and before. Upon request via email or mail FHIP will provide applicants a list of 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 strengthen their applications.

B. Administrative, National and Department Policy Requirements.

For this NOFA, the following requirements apply:

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

HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses, and Labor Surplus Area Firms participate fully in the direct contracting and contracting opportunities generated by HUD's financial assistance. State, local, and Indian tribal governments are required by 24 CFR 85.36(e) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women-owned business enterprises, and labor surplus area firms are used whenever possible or as specified in the Program NOFAs. Nonprofit recipients of assistance (grantees and subgrantees) are required by 2 CFR 200.321 to make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, and Labor Surplus Area Firms whenever possible.

Equal Protection for Faith-based and Community Organizations.

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

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

24 CFR 5.109).

Procurement of Recovered Materials.

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

Participation in a HUD-Sponsored Program Evaluation.

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

OMB Administrative Requirements and Cost Principles.

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

Drug-Free Workplace.

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

- Publish a statement notifying employees that it is unlawful to manufacture, distribute,

dispense, possess, or use a controlled substance in the applicant's workplace and such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.

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

Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub.

L.109-282) (Transparency Act), as amended.

Prime Grant Awardee Reporting. Prime recipients of HUD's financial assistance are required to report certain subawards in the Federal Funding Accountability and Transparency Act Subaward System (FSRS) website located at www.fsrs.gov or its successor system for all prime awards listed on the FSRS website. Prime financial assistance awardees receiving funds directly from HUD are required to report subawards and executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to vendors. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the SAM system, the prime recipient is not required to report this information. The reporting of award and subaward information is in accordance with the requirements of the Transparency Act, as amended by section 6202 of Public Law 110-252, and by section 3 of Public Law 113-101.
Text Field: Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended

Physical Accessibility.

Note that all meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with HUD's implementing regulations for section 503 of the Rehabilitation Act of 1973 (29 U.S.C.§794) at 24 CFR part 8. In addition, all notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with section 504 of the Rehabilitation Act of 1973 and HUD's section 504 regulations. See CFR section 8.6.

Additional Program Requirements include:

1. **Product Information.** Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) four days before release for approval and acceptance. The GTR will work with the Office of Education and Outreach for information clearance and approval.
2. **Payment Contingent on Completion.** Payment of FHIP funds is made on a fixed price basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.
3. **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.
4. **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 Grant Officer. The Grant Officer's name and contact information is provided in the grant agreement. 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, or any other applicable statute, regulation or other 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 the FHIP under 24 CFR part 24.

5. **Double Payments.** If you are awarded funds under this NOFA, you (and any contractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federally assisted project.
6. **Performance Sanctions.** A grantee or contractor violating the requirements in its grant or cooperative 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.
7. **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 which correct deficiencies which are in whole or part of a rating factor, including items that impact the Preferred Sustainable Communities Preference Points. Applicants will have five business days from date of notification to submit the required documents to HUD. Applicants will be notified by fax and telephone about corrections to ensure notification. The applicants must submit the corrections by using the form HUD90611 found in their downloaded application to submit the technical cures to HUD. See the FY2017 **General Section** for further details.
8. Please refer to the General Section for additional information required for preparing and submitting applications, including HUD's compliance with:
    - Executive Order 13132 which prohibits an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs not required by statute, or preempt state law, unless the relevant requirements of Section 6 of the executive order are met;
    - Sections 102 and 103 of the Department of Housing and Urban Development Reform Act of 1989.

C. Reporting.

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

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

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

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

In view of these requirements, recipients should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on www.HUDclips.org. Also, quarterly and as a project ends, recipients must report meaningful data derived from client feedback on how they benefited from your project's activities.

4. Quarterly Reporting. All grant recipients under this NOFA are required to submit quarterly reports which identify their program's output and outcome achievements.

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

D. Debriefing.

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

VII. Agency Contact(s).

HUD staff will be available to provide clarification on the content of this NOFA. Please note that HUD staff cannot assist applicants in preparing their applications.
Questions regarding specific program requirements for this NOFA should be directed to the point of contact listed below.

Myron Newry

(202) 402-7095
Myron.P.Newry@hud.gov

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

VIII. Other Information.

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

National Environmental Policy Act.

This NOFA provides funding under the Fair Housing Initiatives program (FHIP) at 24 C.F.R. part 125, which does not contain environmental review provisions because it concerns activities that are listed in 24 C.F.R. 50.19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321)(Accordingly, under 24 CFR **50.19(c)(5),** this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). In accordance with 24 CFR 50.19(b)(2), (3), (4), (9), (12), (13) of the Federal regulations, activities under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

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/or EOI activities proposed in the organization's application, including activities and tasks, and proposed outcomes where applicable.

FY2017 NOFA

Statement of Work for:

The recipient,_____ , agrees to undertake the following activities in accordance with its FY 2017 application for funding under the Initiative-- _____ Project (if applicable) for a ____-month project commencing_____ ,2017 in the geographic area of _____.

ADMINISTRATIVE TASKS			
Activities	**Tasks**	**Submitted By**	**Key Person(s)**
1.Assign staff to project	Submit assignment memo or other documentation assigning staff by name and number of hours to be spent on the project.	30 days	
2. Execute subcontract 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 (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 (2) copies of SF-425 and Coy 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 grant	
10. Prepare summary of First Year (36 month grants)	Submit summary of first year accomplishments	395 days	
11. Prepare and submit draft of Final Report	Submit (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 Housing Agency, Department of Justice or Private Litigator; and Types of Relief/Results.	One month before end of grant term.	
12. Complete final report and all program products produced under the grant (with CD/ flash drive, where feasible) to HUD.	Submit (2) copies of the Final Report and all final products not previously submitted to GTR and GTM. Submit activities and database entry sheet(s) or detailed description of items to HUD.	Within 90 days after end of grant term.	

(Program Tasks)

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

Activities/Tasks	Outcome(s)	Submitted By	Key Person
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 referral process to refer potential victims to HUD, DOJ, a state of 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 time for case processing; including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred. Task: Submit coy 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 ___ trainings for potential victims of discrimination.			
8. Make at least ____ referrals of non-fair housing issues.			
9. Evaluate at least ___ potential complaints for enforcement.			
10. Distribute fair housing PSA to ___ media outlets			
11. Conduct __meetings with housing industry and/or government officials			
12. Provide fair housing information to local/ state officials on obligations to AFFH.			
13. Develop partnership with local university (or others) to develop and execute innovative approaches for the creation of diverse communities.			
14. Conduct ___fair housing workshops for members of the			

protected classes and housing industry personnel.			

APPENDIX B

CERTIFICATION FOR PEI APPLICANTS

Applicant Name: _____
(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:

§125.401 Private Enforcement Initiative.
(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 qualification period, it is not necessary that the activities were conducted simultaneously, as long as each activity was conducted for 1 year. It is also not necessary for the activities to have been conducted for a continuous year. 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.

I _____certify that
Applicant name as it appears on SF 424
_____is a private,
Applicant Organization name as it appears on SF 424
tax-exempt, nonprofit, charitable organization and has a "letter of determination" from the IRS confirming 501(c)(3).

AND

I _____certify that
Applicant name as it appears on SF 424

_____is a 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?

As defined by 24 CFR Part 125.103`, my organization is:

__ QFHO (entity has at least 2 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 1 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

I certify that_____ did not, is not
Applicant name as it appears on SF 424
and will not use contractors/sub-contracts, or sub-grantees services to meet the above eligibility requirements.

I _____ certify (1) to the
Authorized Organization Representative (print/signature)
statements I have checked above and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with the resulting terms and conditions if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may be subject to criminal or civil or administrative penalties. (US Code Title 218 Section 1001)

NOTE: The Technical Evaluation Panel will verify this certification through the organization's response to Factor1. In accordance with FHIP regulation at 125.103, "the Department may request an organization to submit documentation to support its claimed status as an FHO."