

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for
Public and Indian Housing**

[Docket No. N-95-3870; FR-3798-N-01]

**Community Development Block Grant
Program for Indian Tribes and Alaska
Native Villages; Notice of Fund
Availability**

AGENCY: Office of the Assistant
Secretary for Public and Indian
Housing, HUD.

ACTION: Notice of Fund Availability for
Fiscal Year 1995.

SUMMARY: This Notice of Fund
Availability (NOFA) announces HUD's
funding for the Community
Development Block Grant Program for
Indian Tribes and Alaska Native
Villages (hereafter referred to as the
ICDBG Program) for Fiscal Year 1995. In
the body of this document is
information concerning the following:
(a) The purpose of the NOFA, and
information regarding eligibility,
available amounts, and selection
criteria;

(b) Application processing, including
how to apply and how selections will be
made; and

(c) A checklist of steps and exhibits
involved in the application process.

DATES: Applications must be received
by the appropriate field office of the
HUD Office of Native American
Programs (ONAP) no later than 3:00
P.M. *May 14, 1995*. Application
materials will be available from each
field office. General program questions
may be directed to the field office
serving your area or by contacting Dom
Nessi, Office of Native American
Programs, Office of Public and Indian
Housing, Department of Housing and
Urban Development, Room B-133, 451
Seventh Street SW, Washington, DC
20410. Telephone (202) 755-0068. The
Telecommunications Device for the Deaf
(TDD) number is (202) 708-0850. (These
are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Requirements

The information collection
requirements contained in this Notice
have been approved by the Office of
Management and Budget, under section
3504(h) of the Paperwork Reduction Act
of 1980 (44 U.S.C. 3501-3520), and have
been assigned OMB control number
2506-0043.

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I. Purpose and Substantive Description

(a) *Authority*

Title I, Housing and Community
Development Act of 1974, as amended
(42 U.S.C. 5301 et seq.); sec. 7(d) of the
Department of Housing and Urban
Development Act (42 U.S.C. 3535(d)); 24
CFR part 953.

(b) *Funding*

Amendments to Title I of the Housing
and Community Development Act of
1974 have required that the allocation
for Indian Tribes be on a competitive
basis in accordance with selection
criteria contained in a regulation
promulgated by the Secretary after
notice and public comment. The interim
regulation containing the selection
criteria was issued July 27, 1994, and is
published in the **Federal Register** at 59
FR 38326. All grant funds awarded in
accordance with this NOFA are subject
to the requirements of 24 CFR Part 953.

*Documentation and Public Access
Requirements; Applicant/Recipient
Disclosures: HUD Reform Act*

*Documentation and public access
requirements.* HUD will ensure that
documentation and other information
regarding each application submitted
pursuant to this NOFA are sufficient to
indicate the basis upon which
assistance was provided or denied. This
material, including any letters of
support, will be made available for
public inspection for a five-year period
beginning not less than 30 days after the
award of the assistance. Material will be
made available in accordance with the
Freedom of Information Act (5 U.S.C.
552) and HUD's implementing
regulations at 24 CFR part 15. In
addition, HUD will include the
recipients of assistance pursuant to this
NOFA in its **Federal Register** notice of
all recipients of HUD assistance
awarded on a competitive basis. (See 24
CFR 12.14(a) and 12.16(b), and the
notice published in the **Federal Register**
on January 16, 1992 (57 FR 1942), for
further information on these
documentation and public access
requirements.)

Disclosures. HUD will make available
to the public for five years all applicant
disclosure reports (HUD Form 2880)
submitted in connection with this
NOFA. Update reports (also Form 2880)
will be made available along with the
applicant disclosure reports, but in no
case for a period less than three years.
All reports—both applicant disclosures
and updates—will be made available in
accordance with the Freedom of
Information Act (5 U.S.C. 552) and
HUD's implementing regulations at 24

CFR part 15. (See 24 CFR part 12 subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

1. Allocations. The requirements for allocating funds to field offices responsible for program administration are found at 24 CFR 953.101. Following

these requirements, the allocation for FY 1995 is as follows:

Eastern Woodlands	\$3,577,545
Southern Plains	8,322,000
Northern Plains	7,028,048
Southwest	19,008,484
Northwest	2,751,491
Alaska	3,812,432
Total	44,500,000

The total FY 1995 ICDBG allocation is \$46,000,000. As indicated in Section I(b)3 below, \$1,500,000 has been retained to fund Imminent Threat grants.

2. Grant Ceilings. The authority to establish grant ceilings is found at 24 CFR 953.100(b)(1). Grant ceilings are established for FY 1995 funding at the following levels:

Field offices	Population	Ceiling
Eastern Woodlands	ALL	\$300,000
Southern Plains	ALL	750,000
Northern Plains	ALL	800,000
Southwest	50,001+	5,000,000
	10,501-50,000	2,500,000
	9,001-10,000	2,000,000
	7,501-9,000	1,500,000
	6,001-7,500	1,000,000
	4,501-6,000	750,000
	3,001-4,500	650,000
	1,501-3,000	550,000
	1-1,500	450,000
Northwest	ALL	320,000
Alaska	ALL	500,000

3. Imminent Threats

The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 953, subpart E. In accordance with the provisions of that subpart, \$1,500,000 is being retained to meet the funding needs of imminent threat applications submitted to any of the field offices. The grant ceiling for imminent threat applications for FY 1995 is 350,000. This ceiling is established pursuant to the requirements of 24 CFR 953.100(c).

(c) Eligibility of Activities

Activities that are eligible for ICDBG funds are identified at 24 CFR part 570 subpart C, as modified by 24 CFR part 953 subpart C. Both the National Affordable Housing Act (NAHA) (P.L. 101-625) and the Housing and Community Development Act of 1992 (the 1992 Act) (P.L. 102-550) amended Title I of the Housing and Community Development Act of 1974 (HCD Act). Various amendments made by these two acts are applicable.

(d) Applicant Eligibility

To apply for funding in a given fiscal year, an applicant must be eligible as an Indian Tribe or Alaska Native Village (or as a tribal organization) by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 953.5(b) on behalf of eligible tribes or villages when one or more eligible tribe(s) or village(s) authorize the

organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under Title I of the Indian Self-Determination and Education Assistance Act.

If a tribe or tribal organization claims that it is a successor to an eligible entity, the field office must review the documentation to determine whether it is in fact the successor entity.

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 953.5, a Village Corporation, Regional Corporation or Tribal Organization which submits an application for activities in the jurisdiction of one or more eligible tribes or villages, must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the Village Corporation and the Regional Corporation.

On October 21, 1993, the Bureau of Indian Affairs (BIA) published a **Federal Register** Notice entitled "Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs". This Notice provides a listing of Indian Tribal Entities in

Alaska found to be Indian Tribes as the term is defined and used in 25 CFR 83. Additionally, pursuant to Title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska field office prior to the deadline for submitting an application. (See 24 CFR 953.5 for a complete description of eligible applicants.)

(e) Screening for Acceptance

Each field office will initially screen applications for single purpose grants. Applications failing this initial screening shall be rejected and returned to the applicants unrated. Field offices will accept applications if all the criteria listed below as items 1. through 6. are met:

1. The application is received by the appropriate field office no later than 3:00 p.m. on the deadline date.
2. The applicant is eligible;
3. The proposed activities are eligible;
4. The application contains substantially all the components specified in Section III of this notice; and
5. At least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 953.201(a).

6. The application is for an amount which does not exceed the grant ceilings that are established by the NOFA.

(f) Application Review Process Description

1. Threshold review. The field office will review each application that passes the initial screening process to ensure that each applicant and each proposed project meets the applicable threshold requirements set forth in 24 CFR 953.302(a), as implemented by this NOFA. *If an applicant fails to meet any of the applicant-specific thresholds, its application cannot be accepted for rating and ranking. Project(s) that do not meet the community development appropriateness or applicable project-specific thresholds will not be considered for funding.*

2. All projects that meet the acceptance criteria and threshold requirements will be reviewed and rated by a field office rating team of at least three voting members. The field office will examine each project to determine in which one of the three rating categories set forth in 24 CFR 953.303 through 24 CFR 953.305 the project most appropriately belongs. The project will be rated on the basis of the criteria identified in the rating category component to which the project has been assigned. The total of points for a rating component is 100, which is the maximum any project can receive.

3. Public service projects. Due to the statutory 15 percent cap on public services activities, applicants may not receive single purpose grants solely to fund public services activities. However, any application may contain a public services component for up to 15 percent of the total grant. This component may be unrelated to the application's other project(s). If an application does not receive full funding, the public services allocation will be proportionately reduced to comprise no more than 15 percent of the total grant award.

4. Corrections to deficient applications and supplemental information. HUD will not accept unsolicited information regarding the application after the application deadline has passed. The field office will advise applicants of technical deficiencies in applications and permit them to be corrected. A technical deficiency is an error or oversight which, if corrected, would not alter, in either a positive or negative fashion, the review and rating of the application. Examples of curable technical deficiencies would be a failure to submit proper certifications or failure to submit an application containing an

original signature by an authorized official. HUD will notify applicants in writing of any curable technical deficiencies in applications.

The field office also may, at its discretion, request supplemental information to resolve inconsistencies or ambiguities in the application or information that may help clarify an application that, in the field office's view, contains information that is inconsistent with known facts or data. *Applicants will have 14 calendar days from the date of HUD's correspondence to reply and correct the technical deficiency or provide the requested supplemental information. If the technical deficiency is not corrected within this time period, HUD will reject the application as incomplete. If the supplemental information is not provided in this time period and, as a consequence, the field office determines that the applicant has failed to establish compliance with the requirements of 24 CFR part 953, the application will be returned, unrated.*

Applicants may not submit information that would enhance a project's rating, and a new project may not be substituted for one included in the application.

5. Final ranking. All projects will be ranked against each other according to the point totals they receive, regardless of the rating category or component under which the points were received. Projects will be selected for funding based on this final ranking, to the extent that funds are available. Individual grant amounts will be determined in a manner consistent with the considerations set forth in 24 CFR 953.100(b)(2). If the field office determines that an insufficient amount of money is available to adequately fund a project, it may decline to fund that project and fund the next highest ranking project or projects for which adequate funds are available. HUD may select, in rank order, additional projects for funding if one of the higher ranking projects is not funded, or if additional funds become available.

6. Tiebreakers. When rating results in a tie among projects and insufficient resources remain to fund all tied projects, field offices shall approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the following factors should be used in the order listed to resolve the tie:

A. Eastern Woodlands Office.

(1) The project that would benefit the highest percentage of low and moderate income persons.

(2) The project that would benefit the most low and moderate income persons.

B. Southern Plains Office.

(1) The project that would benefit the highest percentage of low and moderate income persons.

(2) The applicant with the fewest active grants.

(3) The project that would benefit the most low and moderate income persons.

C. Northern Plains Office.

(1) The project that would benefit the highest percentage of low and moderate income persons.

(2) The project that would benefit the most low and moderate income persons.

D. Southwest Office.

(1) The applicant with the fewest active grants.

(2) The applicant that has not received an ICDBG grant over the longest period of time.

(3) The project that would benefit the highest percentage of low and moderate income persons.

E. Northwest Office.

(1) The applicant that has not received an ICDBG grant over the longest period of time.

(2) The applicant that has received the fewest ICDBG dollars since the inception of the program.

(3) The project that would benefit the highest percentage of low and moderate income persons.

F. Alaska Office.

(1) The applicant that has not received an ICDBG grant over the longest period of time.

(2) The project that would benefit the highest percentage of low and moderate income persons.

(3) The project that would benefit the most low and moderate income persons.

(g) Overall Thresholds

Two types of general thresholds are set forth in 24 CFR 953.302(a): those that relate to applicants, and those that address the overall community development appropriateness of the project(s) included in the application. Project-specific thresholds will be addressed within the pertinent project selection criteria categories.

Applicant thresholds focus on the administrative capacity of the applicant to undertake the proposed project, and on its past performance in the ICDBG and Housing programs. An applicant that has previously participated in the ICDBG program must have performed adequately. In cases of previously documented deficient performance, the applicant must have taken appropriate corrective action to improve its performance prior to submitting an ICDBG application to HUD.

In order to rate and rank a project contained in an application that has passed the screening tests outlined in

Section III of this NOFA, field offices must determine that the proposed project meets the community development appropriateness thresholds, i.e., the project has costs that are reasonable; the project is appropriate for the intended use; and the project is usable or achievable in a timely manner, generally within two years of grant award.

1. Applicant-Specific Thresholds—Capacity and Performance

A. *Capacity.* The field office will assume, absent evidence to the contrary, that the applicant possesses, or can obtain the managerial, technical or administrative capability necessary to carry out the proposed project. The application should address who will administer the project and how the applicant plans to handle the technical aspects of executing the project. If the field office determines, based on substantial evidence, that the applicant does not have or cannot obtain the capacity to undertake the proposed project, the application will not receive further consideration.

B. *Performance.*

(1) *Community Development.* If an applicant has previously participated in the ICDBG Program, the field office shall determine whether the applicant has performed adequately in grant administration and management. Where an applicant was found to be performing inadequately, the field office shall determine whether the applicant is following a schedule to correct performance to which the applicant and the field office have agreed. In cases of previously documented deficient performance, the field office must determine that the applicant has taken appropriate corrective action to improve its performance. The applicant is presumed to be performing adequately unless the field office makes a performance determination to the contrary during periodic monitoring.

(2) *Housing assistance.* The applicant is presumed not to have taken actions to impede the provision of housing assistance for low and moderate income members of the tribe or village. Any action taken by the applicant to prevent or obstruct the provision or operation of assisted housing for low and moderate income persons shall be evaluated in terms of whether it constitutes inadequate performance by the applicant. If an applicant has established or joined an Indian Housing Authority (IHA), and this IHA has obtained housing assistance from HUD, the applicant's compliance with the obligations and responsibilities to the IHA set forth in the tribal ordinance

which was the basis for the establishment or joining of the IHA will be a performance consideration.

An applicant will not be held accountable for the poor performance of its IHA unless this inadequate performance is found to be a direct result of the applicant's action or inaction. If this is true, the application will be removed from further consideration. Applicants which are members of "umbrella" IHAs will be judged only on their individual performance and will not be held accountable for the poor performance of other tribes that are members of the IHA.

If an applicant has received ICDBG funds for the provision of new housing through a subrecipient, the field office will consider the following in making its determination regarding housing assistance performance: a. whether the proposed units were constructed; b. whether housing assistance was provided to the beneficiaries identified in the funded application, and if not, why not; c. whether the applicant followed the provisions of its housing plan and procedures; and d. whether there were sustained complaints from tribal members regarding provision and/or distribution of ICDBG housing assistance.

(3) *Audits.* This threshold requires the applicant to meet the following performance criteria:

a. The applicant cannot have an outstanding ICDBG obligation to HUD or a ICDBG program that is in arrears, or it must have agreed to a repayment schedule. An applicant that has an outstanding ICDBG obligation that is in arrears, or one that has not agreed to a repayment schedule, will be disqualified from the current competition and from subsequent competitions until the obligations are current. If a grantee that was current at the time of application submission becomes delinquent during the review period, the application may be rejected.

b. The applicant cannot have an overdue or unsatisfactory response to an audit finding. If there is an overdue or unsatisfactory response to an audit finding, the applicant will be disqualified from current and subsequent competition until the applicant has taken final action necessary to close the audit finding. The field office administrator may provide exceptions to this disqualification in cases where the applicant has made a good faith effort to clear the audit finding. An exception may be granted when funds are due HUD or an ICDBG program as a result of a finding only when a satisfactory arrangement for

repayment of the debt has been made and payments are current.

2. *Community Development Appropriateness.* The following criteria must be met by each project:

A. Costs are reasonable. The project must be described in sufficient detail so that the field office can determine: (1) that costs are reasonable; and (2) that the funds requested from the ICDBG program and all other sources are adequate to complete the proposed activity(ies) described in the application.

B. The project is appropriate for the intended use.

C. The project is usable or achievable in a timely manner, generally within a two year period. The applicant must include its timetable for project implementation and completion. A period of more than two years is acceptable in certain circumstances, if it is established that such circumstances are beyond the applicant's control.

(h) *General Definitions*

Adopt. To approve by formal tribal resolution, as defined at 24 CFR part 953.4.

Assure. To comply with a specific NOFA requirement. The applicant should state its compliance or its intent to comply in its application.

Document. To supply supporting written information and/or data in the application, which satisfies the NOFA requirement.

Leverage. Resources the grantee will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to: tribal trust funds, loans from individuals or organizations, state or Federal loans or guarantees, other grants, as well as noncash contributions and donated services. *Written verification of an application or request for the leveraged resources which would be provided by an entity other than the applicant must be included in the application for ICDBG funds.* To be considered in the award of points, resources to be provided by the applicant must be verified by a tribal council resolution which identifies and commits these resources. A copy of this resolution must be included in the application. With respect to resources to be provided by an entity other than the applicant, to be considered in the award of points, the following requirements apply:

—For grants or other contributed resources from a public agency, foundation, or other private party, a *written commitment* which may be contingent on approval of the ICDBG award must be *received* by the field

office no later than 30 days after the application deadline. This commitment must specifically identify or indicate: the dollar amount committed (or dollar value of the noncash resource and the basis for the valuation); that the resources are currently available or will be available when necessary for successful project implementation; and the project. If delays in the Federal funding process preclude an agency from making a firm funding commitment in this timeframe, such resources will be considered in the award of points if the Federal entity issues a written statement indicating that it is extremely likely that the applicant will be funded within six months of the anticipated date of grant approval notification from HUD. This statement must be received by the field office no later than 30 days after the application deadline.

With respect to the contribution of land as a leveraged resource, the value of the land to be contributed will only be considered when the use of the land and the land area are integral to the development of the project. To be considered for point award, the value of the land must be verified by any of the following means or methods and this documentation and a written confirmation of the proposed contribution *must be included in the application*:

- A site specific appraisal no more than two years old;
- An appraisal of a near-by comparable site also no more than two years old;
- A reasonable extrapolation of land value based on current area realtors value guides.

Donated goods and services will be considered for point award if the applicable requirements listed above are met; if the items or services are demonstrated and determined necessary to the actual development of the project; and comparable cost and/or time estimates are submitted which support the donation.

Project Cost. The total cost to implement the project. Project cost includes both ICDBG and non ICDBG funds and resources.

Section 8 standards. Housing quality standards contained in the Section 8 Housing Assistance Payments Program Existing Housing (24 CFR 882.109).

Standard Housing/Standard Condition. Housing which meets the housing quality standards (HQS) adopted by the applicant. The adopted standards must provide for the following:

- That the house is safe, in a physically sound condition with all systems performing their intended design functions;
- A livable home environment;
- An energy efficient building and systems which incorporate energy conservation measures;
- Adequate space and privacy for all intended household members. The HQS adopted by the applicant must be at least as stringent as the Section 8 standards unless the field office approves less stringent standards based on a determination that local conditions make the use of Section 8 standards infeasible. Applicants may submit their request for the approval of standards less stringent than Section 8 standards prior to the application due date. If the request is submitted with the application, applicants should not assume automatic approval by the field office. Tribe, Indian Tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos and Alaska Native Villages.

(i) Project Definitions, Thresholds and Selection Criteria

1. Housing.

A. General Threshold for Housing Category Projects Households that have been evicted from HUD assisted housing within the past five years may not be assisted, except in emergency situations. The field office administrator will review each emergency situation proposed by an applicant on a case-by-case basis to determine whether an exception is warranted.

B. Rehabilitation.

(1) Thresholds.

a. All applicants for housing rehabilitation grants shall adopt rehabilitation standards and rehabilitation policies, prior to submitting an application. *These standards and policies must be submitted with the application.*

b. Any units to be rehabilitated must be the permanent non-seasonal residence of the occupant(s). The resident(s) must live in the unit at least nine months per year.

c. Housing units slated for eventual replacement may only receive repairs essential for the health and safety of the occupants.

d. The applicant shall provide an assurance that it will use project funds to rehabilitate HUD assisted units only when the tenant/homeowner's payments are current or the tenant/homeowner is current in a repayment agreement that is subject to approval by the field office. In emergency situations the field office administrator may grant

exceptions to this requirement on a case-by-case basis.

e. Houses that have received comprehensive rehabilitation assistance from any ICDBG or other Federal grant program within the past 8 years cannot be assisted with ICDBG funds to make the same repairs if the repairs are needed as a result of abuse or neglect.

(2) Grant limits. Rehabilitation grant limits for each field office jurisdiction are as follows:

- a. Eastern Woodlands—\$15,000
- b. Southern Plains—\$15,000
- c. Northern Plains—\$33,500
- d. Southwest—\$25,000
- e. Northwest—\$18,000
- f. Alaska—Lesser of \$45/ sq.ft. or \$35,000

(3) Selection Criteria.

a. Project Need and Design. (45 points)

(i) The percentage of ICDBG funds committed to bring the housing up to a standard condition as defined by the applicant. Administrative, planning and technical assistance expenditures are excluded in computing the percentage of ICDBG funds committed to bring housing up to a standard condition. The percentage of ICDBG funds not used to bring housing up to a standard condition must be used for emergency repairs, demolition of substandard units or another purpose closely related to the housing rehabilitation project.

Percentage of ICDBG Funds Committed to bring housing up to a standard condition:

- 91–100%—20 points
- 81–90.9%—15 points
- 80.9 and less—0 points

(ii) The applicant's selection criteria give first priority to the neediest households. "Neediest" is defined as households whose current residences are in the greatest disrepair (but still suitable for rehabilitation treatment) in the project area, or very low-income households.

YES 10 points
NO 0 points

(iii) Documentation of project need with a housing survey of all of the units to be rehabilitated with ICDBG funds. This survey should include standard housing data on each unit surveyed (e.g., age, size, type, number of rooms, number of habitable rooms, number of bedrooms/sleeping rooms, type of heating). The survey should indicate the deficiencies for each unit. A definition of "suitable for rehabilitation" must be included. At a minimum, this definition must not include units that need only minor repairs, or units that need such major repairs that rehabilitation is structurally or financially infeasible.

Submission of acceptable survey of units to be assisted.

The application contains all the required survey data. (15 points)

The application does not contain all the survey data, but does contain sufficient data to enable the project to proceed effectively. (10 points)

The application does not contain survey data *Or* the survey data it does contain is not sufficient to enable the project to proceed effectively. (0 points)

b. Planning and Implementation. (50 points)

(i) Rehabilitation Policies including:
a Adopted rehabilitation standards. The rehabilitation standards adopted by the applicant will ensure that after rehabilitation the units assisted will be in a standard condition.

YES 5 points

NO 0 points

b Rehabilitation selection criteria. Rehabilitation selection criteria include property selection standards, cost limits, type of financing (e.g., loan or grant), homeowner costs and responsibilities, procedures for selecting households to be assisted, and income verification procedures.

The application contains all the selection criteria listed above. (10 points)

The application does not contain all the selection criteria listed above, but contains sufficient data to enable the project to proceed effectively *Or* the application contains all the selection criteria listed above, but in insufficient detail. (5 points)

The application does not contain the selection criteria listed above *Or* if it does contain selection criteria, they are not sufficient to enable the project to proceed effectively. (0 points)

c Project planning documents and applicable policies and procedures. These policies and procedures must include a description of the following items:

- The qualifications which will be required of the inspector
- The inspection procedures to be used
- The procedures to be used to select the contractor or contractors
- The manner in which the households to be assisted will be involved in the rehabilitation process
- How disputes between the households to be assisted, the contractors and the applicant will be resolved
- If applicable, the repayment provisions which will be required if sale of the assisted unit occurs prior to 5 years after the rehabilitation work has been completed

The application contains all the policies and procedures listed above,

and they will enable the project to be effectively implemented. (10 points)

The application contains some but not all of the policies and procedures listed above and these policies and procedures are sufficient for the project to proceed effectively. (5 points)

The application does not contain the policies and procedures listed above. (0 points)

(ii) Post rehabilitation maintenance policies, including counseling and training assisted households on maintenance.

The policy contains a well-planned counseling and training program. Training will be provided for assisted households, and provision is made for households unable to do their own maintenance (e.g., elderly and handicapped).

The policy includes follow-up inspections after rehabilitation is completed to ensure the unit is being maintained. (5 points)

The policy contains a well-planned home maintenance training and counseling program. (3 points)

The application does not contain a well-planned home maintenance and counseling program. (0 points)

(iii) Quality of cost estimates. Cost estimates have been prepared by a qualified individual. (Qualifications of the estimator must be included in the application).

Costs of rehabilitation are documented on a per unit basis and are supported by a work write-up for each unit to be assisted. The work write-ups are based upon making those repairs necessary to bring the units to a standard condition in a manner consistent with adopted construction codes and requirements. The write-ups must be submitted with the application. If national standards, e.g., the Uniform Building Code, have been locally adopted as the construction codes and requirements, they must be referenced. If locally developed and adopted codes and requirements are used, they must be submitted. (15 points)

Cost estimates have been prepared for each dwelling unit to be rehabilitated to determine the total rehabilitation cost. The cost estimates are included in the application. Costs to rehabilitate each unit are documented by a deficiency list. (10 points)

Cost estimates have been prepared and are included in the application but the estimates are based on surveys and not on individual unit deficiency lists. (5 points)

Cost estimates are not included in the application *Or* the basis for the cost estimates included is inappropriate or not provided. (0 points)

(iv) Cost effectiveness of the rehabilitation program. This is a measure of how efficiently and effectively funds will be used under the proposed program. Applicants must demonstrate how the proposed rehabilitation will bring the units to be assisted to a standard condition in an efficient and cost effective manner.

Rehabilitation project is cost effective. (5 points)

Rehabilitation project is not cost effective. (0 points)

c. Leveraging. (5 points)

Points under this component will be awarded in a manner consistent with the definition of "Leverage" included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
25 and over	5
20-24.9	4
15-19.9	3
10-14.9	2
5-9.9	1
0-4.9	0

C. Land to Support New Housing.

(1) Thresholds.

a. There must be a reasonable ratio between the number of net usable acres to be acquired and the number of low and moderate income households with documented housing needs.

b. Housing assistance needs must be clearly demonstrated and documented with either a survey that identifies the households to be served, their size, income levels and the condition of current housing or an IHA approved waiting list. *The survey or waiting list must be submitted with the application.*

(2) Selection Criteria.

a. Project Need. (40 Points).

The applicant has no suitable land for the construction of new housing and the necessary infrastructure and amenities for this housing. (40 points)

The applicant has land suitable for housing construction and needed infrastructure and amenities, but the land is officially dedicated to another purpose. (30 points)

The applicant will be acquiring land for housing construction and the construction of needed infrastructure and amenities for both new and existing housing. (25 points)

The applicant will be acquiring land for the construction of amenities for existing housing. (15 points)

The reason for the land acquisition does not meet any of the criteria listed above. (0 points)

b. Planning and Implementation. (60 points)

(i) Suitability of land to be acquired. A preliminary investigation has been

conducted by a qualified entity independent of the applicant. Based on this investigation (*which must be submitted with the application*), the land appears to meet all applicable requirements:

- Soil conditions appear to be suitable for individual and/or community septic systems or other acceptable methods for waste water collection and treatment have been identified.
- The land has adequate:
- Availability of drinking water;
- Access to utilities;
- Vehicular access;
- Drainage.
- The land appears to comply with environmental requirements.
- Future development costs are expected to be consistent with other subdivision development costs in the area (subdivision development costs include the costs of the land, housing construction, water and sewer, electrical service, roads, and drainage facilities if required).

YES 20 points

NO 0 points

(ii) Housing resources. Evidence of a conditional commitment for the housing units to be built on the land proposed for acquisition or evidence that an approvable application for these units has been submitted has been included in the application. (10 points)

The evidence required for the award of 10 points has not been included in the application. (0 points)

(iii) Availability/accessibility of supportive services and employment opportunities. Documentation is provided in the application to indicate that upon completion of construction of the housing to be built on the land to be acquired, fire and police protection will be available to the site and medical and social services, schools, shopping, and employment opportunities will be accessible from the site according to the community's established norms.

YES 5 points

NO 0 points

(iv) Commitment that households will move into the new housing.

Documented commitment from households that they will move into the new housing to be built on the land to be acquired is included in the application.

YES 5 points

NO 0 points

(v) Land can be taken into trust and provisions have been made for taxes and fees. There must be a written assurance from the BIA that the land will be taken into trust. The applicant must demonstrate the financial capability and commitment to pay the property taxes

and fees on the land for any period of time during which it anticipates it will own the property in fee. This commitment must be in the form of a resolution by the governing body of the applicant which indicates that the applicant will pay or guarantee that all taxes and fees on the land will be paid.

Documentation from the BIA that land can be taken into trust and the required governing body resolution are included in the application. (5 points)

Either the assurance or the resolution (or both) are missing from the application or they are inadequate. (0 points)

(vi) A plan or commitment for any infrastructure needed to support the housing to be built on the land to be acquired. The plan or commitment must address water, waste water collection and treatment, electricity, roads, and drainage facilities necessary to support the housing to be developed.

Financial commitments for all necessary infrastructure have been included in the application or documentation is included which demonstrates that all necessary infrastructure is in place. (10 points)

A plan for the provision of all necessary infrastructure is included in the application but all financial commitments required to implement the plan have not been submitted. (5 points)

Neither a financial commitment or plan are included in the application. (0 points)

(vii) The extent to which the site proposed for acquisition meets the housing needs of the applicant and is reasonably priced. The application includes documentation which indicates that the applicant has examined and assessed the appropriateness of alternative sites and which demonstrates that the site proposed for acquisition best meets the documented housing needs of tribal households. The applicant must submit comparable sales data which shows that the cost of the land proposed for acquisition is reasonable.

Yes 5 points

No 0 points

D. New Housing Construction/Direct Home Ownership Assistance.

Unless otherwise indicated, the following thresholds and selection criteria apply to new housing construction to be implemented through a subrecipient as provided for under 24 CFR 570.204 and direct homeownership assistance activities authorized under Section 105(a)(20) of Title I of the Housing and Community Development Act of 1974 as amended by the National Affordable Housing Act (P.L. 101-625).

Please note that all households to be assisted under a new housing construction project or direct homeownership assistance activities must be of low or moderate income status.

(1) Thresholds.

a. New housing construction can only be implemented through a nonprofit organization that is eligible under 24 CFR 953.202 or a nonprofit organization serving the development needs of the communities of nonentitlement areas or as otherwise eligible under 24 CFR 570.207(b)(3). (*This threshold does not apply to Direct Homeownership Activities*).

b. *Documentation which supports the following determinations must be included in the application:*

—No other housing is available in the immediate reservation area that is suitable for the households to be assisted;

—No other funding sources can meet the needs of the household(s) to be served.

—The unit occupied by the household to be assisted is not in standard condition and rehabilitation of the unit is not economically feasible, or the household is currently in an overcrowded unit [sharing unit with other household(s)], or the household to be assisted has no current residence.

c. All applicants for new housing construction projects shall adopt construction standards and construction policies, prior to submitting an application. Applicants must identify the building code they will comply with when constructing the units. The building code may be a locally adopted tribal building code or a nationally recognized model code. If the code is a locally adopted code, it must regulate all of the areas and sub-areas identified in 24 CFR 200.925(b), and it must be reviewed and approved by the field office. If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925(c). (*This threshold does not apply to Direct Homeownership Activities*).

d. Any unit to be constructed must be the permanent non-seasonal residence of the household to be assisted. This household must live in the unit at least nine months per year.

(2) Selection Criteria.

a. Project Need and Design. (45 points)

(i) The applicant either is not served by an IHA, or if it is a member of an umbrella IHA, this IHA has not provided assistance to the applicant in

a substantial period of time, or the IHA serving the applicant has not received HUD Public and Indian Housing new construction assistance in a substantial period of time due to limited HUD appropriations. The period of time during which the IHA serving the applicant does not receive funding for inadequate or poor performance by the applicant does not count towards the period of time that no assistance has been provided by HUD.

No assistance from IHA for 10 years or longer—15 points

No assistance from IHA for 6–9.9 years—10 points

No assistance from IHA for 0–5.9 years—0 points

(ii) Adopted housing construction policies and plan. The plan must include a description of the proposed subrecipient and its relationship to the applicant. In addition, the policies and plan must include:

- A selection system that gives priority to the neediest households. Neediest shall be defined as households whose current residences are in the greatest disrepair, or very low-income households, or households without permanent housing.
- A system effectively addressing long-term maintenance of the constructed units.
- Estimated costs and identification of the entity responsible for paying utilities, fire hazard insurance and other normal maintenance costs.
- Policies governing ownership of the units, including the status of the land.
- Description of a comprehensive plan or approach being implemented by the tribe to meet the housing needs of its members.
- Policies governing disposition or conversion to non-dwelling uses of standard units that will be vacated when a replacement unit is provided.

Acceptable policies and plan—20 points
 Unacceptable policies and plan—0 points

(iii) Beneficiary identification. Households to be assisted are identified in the application and their income eligibility is documented. (10 points)

Households to be assisted not identified or, if identified, their income eligibility is not documented. (0 points)

b. Planning and Implementation. (45 points)

(i) Occupancy Standards. The proposed housing will be designed and built according to adopted reasonable standards that govern the size of the housing in relation to the size of the occupying household (minimum and maximum number of persons allowed for the number of sleeping rooms); the

minimum and maximum square footage allowed for major living spaces (bedrooms, living room, kitchen and dining room). *The standards must be submitted with the application.*

Applicant has adopted reasonable occupancy standards which are included in the application. (10 points)

Applicant has not adopted reasonable occupancy standards or the standards were not included in the application. (0 points)

(ii) Site Acceptability. The applicant (or the proposed beneficiary household) has control of the land upon which the units will be built. The applicant has provided documentation from the BIA that all housing sites are in trust (or will be taken into trust within one year of the date of the ICDBG approval notification). If the sites are not in trust by the date of ICDBG approval notification, documentation that they are in trust must be provided to the field office before ICDBG funds may be obligated for construction.

A preliminary investigation of the site(s) has been conducted by a qualified entity independent of the applicant. Based on this investigation (*which must be included in the application*) the site(s) appear to meet all applicable requirements:

- Soil conditions appear to be suitable for individual or community septic systems or other acceptable methods for waste water collection and treatment have been identified;
- Each site has adequate:
 - Availability of drinking water
 - Access to utilities
 - Vehicular access
 - Drainage.

YES 15 points

NO 0 points

(iii) Energy Conservation Design. The proposed housing units have been designed in a manner which will ensure that energy use will be no greater than that for comparable units in the same general geographic area that have been constructed in accordance with applicable state energy conservation standards for residential construction. Any special design features, materials, or construction techniques which enhance energy conservation must be described.

YES 5 points

NO 0 points

(iv) Housing Survey. The applicant has completed a survey of housing conditions and housing needs of its tribal members. This survey was completed within the twelve month period prior to the application submission deadline (or if an earlier survey, it was updated during this time

period). *The survey must be submitted with the application.* The following descriptive data is included for each household surveyed:

- Size of the household, inc. age and gender of any children
- Is the household occupying permanent housing or is it homeless?
- Annual household income
- Owner or renter
- Number of habitable rooms and number of sleeping rooms
- Physical condition of the unit—standard/substandard. If substandard, is it suitable for rehabilitation? A definition of “suitable for rehabilitation” must be included.
- Number of distinct households occupying the unit/degree of overcrowding
- If there is a need for a replacement unit, what are the housing preferences of the household, e.g. ownership or rental; location; manufactured or stick-built.

An acceptable survey was submitted. (10 points)

The survey submitted was not acceptable or no survey was submitted. (0 points)

(v) Cost Effectiveness of New Housing Construction. This is a measure of how efficiently and effectively funds will be used under the proposed program. Applicants must demonstrate how the proposed housing activities will be accomplished in an efficient and cost effective manner.

The applicant has demonstrated that the proposed activities are cost effective. (5 points)

The applicant has not demonstrated that the proposed activities are cost effective. (0 points)

c. Leveraging. (10 points)

Points under this component will be awarded in a manner consistent with the definition of “Leverage” included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
25 and over	10
20–24.9	8
15–19.9	6
10–14.9	4
5–9.9	2
0–4.9	0

2. *Community Facilities.*

A. *Infrastructure.*

(1) Selection Criteria.

a. Project Need and Design. (60 points)

(i) The proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community.

The proposed project will fulfill a function which is critical to the continued existence or orderly development of the community. (20 points)

The proposed project will fulfill a function which is not critical to the continued existence or orderly development of the community. (0 points)

(ii) The proposed project benefits the neediest segment of the population, as identified below. Applications must include tribal, BIA, IHS or other documentation that:

More than 85 percent of the beneficiaries are low and moderate income. (15 points)

Between 75–84.9 percent of the beneficiaries are low and moderate income. (10 points)

Between 55–74.9 percent of the beneficiaries are low and moderate income. (5 points)

Less than 55 percent of the beneficiaries are low and moderate income. (0 points)

(iii) The proposed project will provide infrastructure that does not currently exist for the area to be served *Or* it will eliminate or substantially reduce a health or safety threat or problem *Or* it will replace existing infrastructure that no longer functions adequately to meet current needs.

The infrastructure does not exist *Or* the existing infrastructure no longer functions *Or* the existing infrastructure does not contribute to the elimination of, or causes, a verified health or safety threat or problem. (25 points)

The existing infrastructure no longer functions adequately to meet current needs *Or* is unreliable. (20 points)

The proposed project will replace or supplement existing infrastructure which is adequate for current needs but which will not meet acknowledged future needs. (12 points)

The proposed project will replace or supplement existing infrastructure which is adequate to meet current needs and future needs have not been acknowledged or documented. (0 points)

If the project is intended to address a health or safety threat or problem, the applicant must provide documentation consisting of a signed study or letter from a qualified independent authority which verifies that:

- A threat to health or safety (or a health or safety problem) exists which has caused or has the potential to cause serious illness, injury, disease, or death; and,
- The threat or problem can be completely or substantially

eliminated if the proposed project is undertaken.

b. Planning and Implementation. (30 points)

(i) A viable plan for maintenance and operation. If the applicant is to assume responsibility for maintenance and operation of the proposed facility, the applicant must adopt a maintenance and operation plan which addresses maintenance, repair and replacement of items not covered by insurance, and operating responsibilities and resources. *This plan and the adopting resolution must be included in the application.* The plan must identify a funding source to ensure that the facility will be properly maintained and operated. The resolution adopting the plan must identify the total annual dollar amount the applicant will commit.

If an entity other than the applicant commits to pay for maintenance and operation, a letter of commitment which identifies the responsibilities the entity will assume must be included in the application; submission of a maintenance and operation plan is not required. Points will only be awarded if the field office is able to determine that the entity is financially able to assume the costs of maintenance and operation.

An acceptable maintenance and operation plan and adopting resolution (or letter of commitment) are included in the application. (15 points)

The plan, resolution or the commitment letter have not been included in the application or if included they are not acceptable. (0 points)

c. An appropriate and effective design, scale and cost. The application includes information which demonstrates that the proposed project is the most appropriate and cost effective approach to address the identified need. This information demonstrates that the use of existing facilities and resources, and alternatives, including method of implementation and cost, have been considered. If only one approach is feasible (there are no alternatives to the proposed project), the application must include an explanation.

The required information is included in the application. (15 points)

The required information is not included in the application or, if included, it is unacceptable. (0 points)

d. Leveraging. (10 points)

Points under this component will be awarded in a manner consistent with the definition of "Leverage" included in this NOFA and the following breakdown.

Non-ICDBG percent of project cost	Points
25 and over	10
20–24.9	8
15–19.9	6
10–14.9	4
5–9.9	2
0–4.9	0

B. Buildings.

(1) Threshold. An applicant proposing a facility which would provide health care services must include in its application a letter from the Indian Health Service (IHS) which indicates that the proposed facility meets IHS requirements.

(2) Selection Criteria.

a. Project Need and Design. (60 points)

(i) The proposed building meets an essential community development need by providing space so that a service or function which is critical to the continued existence or orderly development of the community can be provided.

The proposed building will provide space for a service or function which is essential to the continued existence or orderly development of the community. (20 points)

The proposed building will provide space for a service or function which is not critical to the continued existence or orderly development of the community. (0 points)

(ii) The proposed project benefits the neediest segment of the population, as identified below. Applications must include tribal, BIA, IHS or other documentation that:

More than 85 percent of the beneficiaries are low and moderate income. (10 points)

Between 75–84.9 percent of the beneficiaries are low and moderate income. (8 points)

Between 55–74.9 percent of the beneficiaries are low and moderate income. (5 points)

Less than 55 percent of the beneficiaries are low and moderate income. (0 points)

(iii) The proposed building will be used to provide services or functions which are not provided to service area beneficiaries *Or* it will replace a building currently used to provide the service or function which does not meet health or safety standards *Or* it will replace a building which is no longer able to provide the space or amenities to meet the current need for the services or functions.

The services or functions to be provided in the proposed building do not exist for the service area population *Or* the building currently being used

does not meet health or safety standards. (25 points)

The building to be replaced by the proposed building is not able to provide the space or amenities for the services or functions so that current needs cannot be entirely met. (20 points)

The building to be replaced is able to provide adequate space and current needs are being met but it cannot provide space for acknowledged future needs. (10 points)

The proposed building is not necessary since current needs and acknowledged future needs can be met through the use of existing facilities. (0 points)

(If the proposed building is intended to replace an existing building which does not meet health or safety standards, the application must include documentation consisting of a signed letter from a qualified independent authority which specifically identifies the standard or standards which are not being met by the existing building.)

(iv) Provides multiple uses or multiple benefits, or has services available 24 hours a day. The application must show that the proposed building will house more than one broad category of activity. "Broad category" means a single activity or group of activities which serves a particular group of beneficiaries (e.g., senior citizens) or meets a particular need (e.g., literacy). No one category of activity will occupy more than 75 percent of the available space for more than 75 percent of the time. *A written commitment for the use of the space must be included in the application.* Multipurpose buildings do not automatically meet these criteria, nor do buildings that provide a variety of activities for one client group.

The proposed building will provide multiple uses or benefits or will have services available 24 hours/day and a commitment for the use of the space is included in the application. (5 points)

The proposed building will not provide multiple benefits or services or will not have services available 24 hours a day or the application does not include a commitment for the use of the space. (0 points)

b. Planning and Implementation. (30 points)

(i) A viable plan for maintenance and operation. If the applicant is to assume responsibility for the maintenance and operation of the proposed building, the applicant must adopt a maintenance and operation plan which addresses maintenance, repair and replacement of items not covered by insurance, and operating responsibilities and resources. *This plan and the adopting resolution*

must be included in the application.

The plan must identify a funding source to ensure that the building will be properly maintained and operated. The resolution adopting the plan must identify the total annual dollar amount the applicant will commit.

If an entity other than the Tribal Council commits to pay for maintenance and operation, a letter of commitment which identifies the responsibilities the entity will assume must be included in the application; submission of a maintenance and operation plan is not required. Points will only be awarded if the field office is able to determine that the entity is financially able to assume the costs of maintenance and operation.

An acceptable maintenance and operation plan and adopting resolution (or letter of commitment) are included in the application. (15 points)

The plan, resolution or the commitment letter have not been included in the application, or if included, they are not acceptable. (0 points)

(ii) An appropriate and effective design, scale and cost. The application includes information which demonstrates that the proposed building is the most appropriate and cost effective approach to address the identified need(s). This information demonstrates that the use of existing facilities and resources and alternatives including method of implementation and cost have been considered. If only one approach is feasible (there are no alternatives to the proposed building), the application must include an explanation.

The required information is included in the application. (15 points)

The required information is not included in the application or, if included, it is unacceptable. (0 points)

c. Leveraging. (10 points)

Points under this component will be awarded based on the definition of "Leverage" included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
25 or more	10
20-24.9	8
15-19.9	6
10-14.9	4
5-9.9	2
0-4.9	0

3. Economic Development.

A. Thresholds.

(1) Economic development assistance may be provided only when a financial analysis is done which shows public benefit commensurate with the

assistance to the business can reasonably be expected to result from the assisted project, and the project has a reasonable chance of success. The applicant shall demonstrate the need for grant assistance by providing documentation to support a determination that the assistance is appropriate to implement an economic development project.

(2) All economic development projects must meet one of the national objectives. A general claim of cash flow or benefit to the tribe as a whole does not demonstrate benefit to low and moderate income persons.

B. Selection Criteria.

(1) Organization (8 points)

The application contains all of the following three elements:

—The applicant has an established organization system for operation of a business, (e.g., adopted tribal ordinances, articles of incorporation, Board of Directors in place, tribal department).

—Formal provisions exist for separation of government functions from business operating decisions. An operating plan has been established and is submitted.

—The Board of Directors consists of persons who have prior business experience. A staffing plan has been developed and is submitted. (8 points)

The application contains all of the first element listed above, and some of the items in the second and third elements. The business should be able to operate effectively; *OR*, the application contains all of the elements listed above, but in insufficient detail. (5 points)

The application does not contain any of the elements listed above. (0 points)

(2) Project Success (45 points)

The project will be rated on the adequacy and quality of the following subparts: *ANY PROJECT NOT RECEIVING AT LEAST MODERATE POINTS IN EACH OF THE FOLLOWING THREE RATING FACTORS WILL NOT BE CONSIDERED FOR FUNDING.*

a. Market analysis.

A feasibility/market analysis, generally not older than two years, which identifies the market and demonstrates that the proposed activities are highly likely to capture a fair share of the market. *The analysis must be submitted with the application.* MAXIMUM 15 points

Feasibility/Market Analysis which identifies the market and demonstrates that the proposed activities are reasonably likely to capture a fair share of the market. *The analysis must be submitted with the application.*

MODERATE 10 points

The submission does not meet the criteria for the award of moderate points.

UNSATISFACTORY 0 points

b. Management capacity.

A management team with qualifying specialized training or technical/managerial experience in the operation of a similar business has been identified. Job descriptions of key management positions as well as resumes showing qualifying specialized technical/managerial training or experience of the identified management team must be submitted with the application.

MAXIMUM 15 points

A management team with qualifying general business training or experience will be hired if the grant is approved. Job descriptions of key management positions must be submitted with the application.

MODERATE 12 points

The submission does not meet the criteria for the award of moderate points.

UNSATISFACTORY 0 points

c. Financial Analysis of the Business (including microenterprises). The financial viability of an economic development project will be determined by an analysis of financial and other project related information. Components of the financial analysis are: costs, sources of funds, cash flow projections and financial statements. A detailed cost summary, evidence of funding sources; five year operating or cash flow financial projections; and business financial statements for the most recent three year period for the project if it is for expansion of an existing business, must be submitted with the application. For start-up businesses that are not owned by the grantee, current financial or net worth statements on principal business owners or officers must be submitted with the application. Financial statements include the balance sheet, income statement and statement of retained earnings.

The information derived from the analysis will be reviewed and compared to local or national industry standards to assess reasonableness of development costs, financial need, profitability, and risk as factors in determining overall

financial viability. In determining whether a project is financial viable, the field office will also consider current and projected market conditions and profitability measures such as cash flow return on equity, cash flow return on total assets and the ratio of net profit before taxes to total assets. Sources of industry standards include Marshall and Swift Publication Company, Robert Morris Associates, Dun and Bradstreet, the Chamber of Commerce, etc. Local standards may also be used. If one of these standards is cited, the appropriate data must be submitted with the application.

Based on the analysis, the project has an excellent chance of achieving financial success.

MAXIMUM 15 points

The project has an average chance of achieving financial success.

MODERATE 8 points

The project has a minimal prospect of achieving financial success.

UNSATISFACTORY 0 points

(3) Leveraging.

Points under this component will be awarded in a manner consistent with the definition of "Leverage" included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
30% or more	12
20-29.9%	8
10-19.9%	4
Less than 10%	0

(4) Permanent Full-Time Equivalent Job Creation and Training (20 points)

The total number of permanent full-time equivalent jobs expected to be created and/or retained as a result of the project as well as a summary of job descriptions and skill requirements must be submitted with the application. The number and kind(s) of jobs expected to be available to low and moderate income persons must be identified.

a. ICDBG cost per job:

- \$20,000 or less—15 points
- \$20,001-30,000—12 points
- \$30,001-35,000—8 points
- \$35,001+—0 points

b. Quality of jobs and/or training targeted to low and moderate income persons

—The jobs offer wages and benefits comparable to area wages and benefits for similar jobs, provide opportunity for advancement, and teach a transferable skill; OR

—The employer commits to provide training opportunities. A description of the planned training program must be submitted with the application.

YES 5 points

NO 0 points

(5) Additional Considerations (15 points) A project must meet three of the following criteria to receive 15 points. Maximum 15 points.

—Use, improve or expand members' special skills. Special skills are those that members have developed through education, training or traditional cultural experiences (e.g., technical expertise in electronic assembly; making traditional native crafts).

YES 5 points

NO 0 points

—Provide spin-off benefits beyond the initial economic development benefits to employees or to the community.

YES 5 points

NO 0 points

—Provide special opportunities for residents of federally-assisted housing.

YES 5 points

NO 0 points

—Provide benefits to other businesses owned by Indians or Alaska natives.

YES 5 points

NO 0 points

—Loan Repayment/Reuse of ICDBG funds. If the business is not tribal-owned, at least 50% of the ICDBG assistance to the business will be repaid to the grantee within a 10 year period. If the business is tribal-owned, the tribe agrees (by submission of a tribal resolution) within a 10 year period to use funds equal to 50% of the ICDBG assistance for eligible activities that meet a national objective. These funds should come from the profits of the tribal-owned business.

YES 5 points

NO 0 points

4. Selection System Criteria and Point Award Summary

Maximum points

A. Housing:

(1) Rehabilitation:

a. Project Need and Design:

- (i) % of funds for standard rehab
- (ii) applicant's selection criteria

20
10

	Maximum points
(iii) housing survey	15
b. Planning and Implementation:	
(i) rehabilitation policies:	
a rehabilitation standards	5
b selection criteria	10
c project planning documents, etc	10
(ii) post rehabilitation maintenance	5
(iii) cost estimates	15
(iv) cost effectiveness	5
Total points	100
(2) Land to Support New Housing:	
a. Project Need	40
b. Planning and Implementation:	
(i) suitability of the land	20
(ii) housing resources	10
(iii) supportive services	5
(iv) commitment of households	5
(v) land to trust status	5
(vi) infrastructure commitment	10
(vii) land meets need and is reasonably priced	5
Total points	100
(3) New Housing Construction/Direct Homeownership Assistance:	
a. Project Need and Design:	
(i) IHA member/assistance	15
(ii) housing policies and plan	20
(iii) beneficiary identification	10
b. Planning and Implementation:	
(i) occupancy standards	10
(ii) site acceptability	15
(iii) energy conservation design	5
(iv) housing survey	10
(v) cost effectiveness	5
c. Leveraging	10
Total points	100
B. Community Facilities:	
(1) Infrastructure:	
a. Project Need and Design:	
(i) meets an essential need	20
(ii) benefits the neediest	15
(iii) provides infrastructure/health and safety	25
b. Planning and Implementation:	
(i) maintenance and operation plan	15
(ii) appropriate and effective design scale and cost	15
c. Leveraging	10
Total Points	100
(2) Buildings:	
a. Project Need and Design:	
(i) meets an essential need	20
(ii) benefits the neediest	10
(iii) provides building/health and safety	25
(iv) multi-use/multi-benefit	5
b. Planning and Implementation:	
(i) maintenance and operation plan	15
(ii) appropriate and effective design scale and cost	15
Total points	100
C. Economic Development:	
(1) Organization	8
(2) Project Success:	
a. market analysis	15
b. management capacity	15
c. financial analysis	15
(3) Leveraging	12
(4) Jobs:	
a. ICDBG cost/job	15
b. quality of jobs/training	5
(5) Additional considerations	15
Total points	100

II. Application Process

(a) An application package may be obtained from the field office in the following geographic locations:

Eastern Woodland Office of Native American Programs, Housing and Community Development Division, 77 West Jackson Blvd., Chicago, Illinois 60604-3507, Telephone: (312) 353-1282, (all states east of the Mississippi River, plus Iowa and Minnesota)

Southern Plains Office of Native American Programs, CPD Branch, Murrah Federal Bldg., 200 N.W. 5th Street, Oklahoma City, OK 73102-3202, Telephone: (405) 231-4101, (Louisiana, Kansas, Oklahoma, and Texas, except West Texas)

Northern Plains Office of Native American Programs, Housing and Community Development Division, CPD Staff, First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, Telephone: (303) 672-5462, (Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming)

Southwest Office of Native American Programs, Region IX, CPD Division, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, Arizona 85004-2361, Telephone: (602) 379-4156, (Arizona, New Mexico, Southern California, West Texas)

Office of Native American Programs, CPD Division, Program Management Team, (San Francisco), Phillip Burton Federal Bldg. and U.S. Courthouse, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448, Telephone: (415) 556-9200, (Northern California and Nevada)

Northwest Office of Native American Programs, CPD Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104-1000, Telephone: (206) 220-5185, (Idaho, Oregon, Washington)

Alaska Office of Native American Programs, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508-4399, Telephone: (907) 271-4633 (Alaska)

(b) Completed applications must be submitted to the appropriate field office, listed above, from which application information and packages were obtained.

The Telecommunications Device for the Deaf (TDD) number is (202) 708-2565. (This is not a toll-free number.)

(c) Applications must be received by the appropriate field office no later than the 3:00 P.M. on the deadline date, *May 14, 1995*.

III. Application Submission Requirements and Checklist

(a) *General*. An applicant shall submit only one application. The ICDBG grant amount requested shall not total more than the grant ceiling. An application may include an unlimited number of eligible projects, e.g., housing or public facilities. Each project within an application will be rated separately.

(b) *Demographic data*. Applicants may submit data that are unpublished and not generally available in order to meet the requirements of this section. The applicant must certify that:

1. Generally available, published data are substantially inaccurate or incomplete;

2. Data provided have been collected systematically and are statistically reliable;

3. Data are, to the greatest extent feasible, independently verifiable; and

4. Data differentiate between reservation and BIA service area populations, when applicable.

(c) *Publication of community development statement*. Applicants shall prepare and publish or post the community development statement portion of their application according to the citizen participation requirements of 24 CFR 953.604.

(d) *Application Submission*. Applicants shall submit an application to the appropriate field office. The application shall include:

1. Standard Form 424;

2. Community Development Statement which includes:

A. Components that address the relevant selection criteria;

B. A brief description or an updated description of community development needs;

C. A brief description of proposed projects to address needs, including scope, magnitude, and method of implementing the project.

D. A schedule for implementing the project (form HUD-4125);

E. Cost information for each separate project, including specific activity costs, administration, planning, and technical assistance, total HUD share (form HUD-4123);

3. Certifications (form HUD 4126)

4. Applicant/Recipient Disclosure/Update Report (form HUD 2880), as required under subpart C of 24 CFR part 12, Accountability in the Provision of HUD Assistance.

5. A map showing project location, if appropriate;

6. If the proposed project will result in displacement or temporary relocation, include a statement that identifies A. the number of persons

(families, individuals, businesses and nonprofit organizations occupying the property on the date of the submission of the application (or date of initial site control, if later); B. the number to be displaced or temporarily relocated; C. the estimated cost of relocation payments and other services; D. the source of funds for relocation; and E. the organization that will carry out the relocation activities;

(e) *Pre-award requirements*. 1. Successful applicants may be required to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. Applicants will normally be given no less than thirty (30) calendar days, to respond to such requirements. In the event that no response or an insufficient response is made within the prescribed time period, the field office may determine that the applicant has not met the requirements and the grant offer may be withdrawn. The field offices shall require supporting documentation in those instances where:

A. Specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; or

B. The applicant has not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project.

2. Grant amounts allocated for applicants unable to meet pre-award requirements will be awarded in accordance with Part I (f) 5 of this NOFA.

3. New projects may not be substituted for those originally proposed in the application.

4. If the required conditions are not met within the prescribed time, HUD may unilaterally rescind the grant award.

IV. Procedural Error and Appeals

With respect to any claims of procedural error that may be made by unsuccessful applicants, please note that a procedural error is, by definition, an error in process. An example is a point calculation error which would, if corrected, raise the total point award for a project over the cut-off point for funding. Rating panel judgements made within the provisions of this NOFA and the program regulations (24 CFR part 953) are not subject to claims of procedural error. If a field office makes a procedural error in the application review and rating process which, when corrected, would result in the award of sufficient points to warrant the funding

of an otherwise approvable project, the field office may fund that project in the next funding round without further competition. *All appeals must be submitted to the appropriate field office within 90 days after the applicant is notified in writing of a funding decision.*

V. Other Matters

(a) *Environmental Statement.* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

(b) *Federalism Executive Order.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this NOFA will not have substantial, direct effects on states, on their political subdivisions, or on their relationship with the Federal Government, or on the distribution of power and responsibilities between them and other levels of government. While the NOFA will provide financial assistance to Indian tribes and Alaska native villages, none of its provisions will have an effect on the relationship between the Federal Government and the states or their political subdivisions.

(c) *Family Executive Order.* The General Counsel, as the Designated Official for Executive Order 12606, *The Family*, has determined that the policies announced in this NOFA would not have the potential for significant impact on family formation, maintenance and general well-being and thus is not subject to review under the Order.

(d) *Registration of Consultants.* Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect

to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912), and is codified as 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

Any questions regarding the statute described above should be directed to the Director, Office of Ethics, Room 2158, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone: (202) 708-3815; TDD/Voice. (This is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

(e) *Prohibition of Advance Disclosure of Funding Decisions.* HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of the applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons

who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

(f) *Economic Opportunities for Low and Very Low Income Persons.* All applicants are herein notified that the provisions of section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations in 24 CFR part 135 are applicable to funding awards made under this NOFA. One of the purposes of the assistance is to give to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns. Tribes that receive HUD assistance described in this part shall comply with the procedures and requirements of this part to the maximum extent consistent with, but not in derogation of, compliance with section 7(b) of the Indian Self-determination and Education Assistance Act (25 U.S.C. 450e(b)).

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); 24 CFR 953.

Dated: February 8, 1995.

Michael B. Janis,
General Deputy Assistant Secretary for Public and Indian Housing.

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